SVERIGES RIKSDAG

The Constitution of Sweden

The Fundamental Laws and the Riksdag Act

2023

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With an introduction
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Foreword

Like most democratic countries, Sweden has a written constitution. It regulates the manner in which the Riksdag (the Swedish Parliament) and the Government are appointed, and sets out the way in which these state bodies should work. Freedom of opinion and other rights and freedoms enjoy special protection under the Constitution.

In most countries, the constitution consists of a single document.

Sweden, however, has four fundamental laws: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The Instrument of Government is a general fundamental law, which sets out how the country is to be governed. The Act of Succession regulates the order in which descendants of the Bernadotte family succeed to the throne. The Freedom of the Press Act contains provisions on the use of the freedom of expression in printed media and the principle of public access to official documents. The Fundamental Law on Freedom of Expression regulates the use of the freedom of expression in non-printed media. The Instrument of Government is supplemented with the Riksdag Act, which occupies a position between fundamental and ordinary law. The Riksdag Act contains detailed provisions on the work and procedures of the Riksdag.

An amendment to fundamental law requires two identical decisions by the Riksdag. These decisions must be separated by a general election, and the newly elected Riksdag must have met for the first time. The main provisions of the Riksdag Act can be amended either in the same way as a fundamental law, or by a decision by qualified majority (at least three-quarters of the members voting, and more than half of the total members of the Riksdag). The supplementary provisions of the Riksdag Act are amended in the same way as ordinary law.

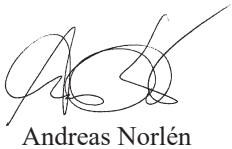
Since the previous edition of this book in 2016, there have been some amendments to the contents of the Instrument of Government, the Freedom of the Press Act, the Fundamental Law on Freedom of Expression and the Riksdag Act.

The book begins with an overview of developments in relation to constitutional law in Sweden. This is followed by an account of the principal contents of the fundamental laws and the Riksdag Act. The main part of the book contains the fundamental laws in the wording in force from 1 January 2023, and the Riksdag Act in the wording in force from 1 September 2023.

The introduction was prepared by Magnus Isberg, Associate Professor in Political Science and former Head of Secretariat of the Committee on the Constitution. The book has been updated in 2023 by Committee Secretaries Ann-Charlotte Bragsjö, Judit Farago Gontier and Jenny Jonasson and Senior Committee Secretary Kristina Örtenhed, all at the Secretariat of the Committee on the Constitution.

This year, 50 years have passed since the Riksdag adopted the first decision on what has become the 1974 Instrument of Government, that is, our current Instrument of Government (even though only the opening article remains completely unchanged since then). The second decision was taken in 1974, and the new Instrument of Government came into force on 1 January 1975. The new Instrument of Government contained major changes compared to its antecedent, the 1809 Instrument of Government, even though many of the amendments had, in practice, been introduced gradually during the 20th century. We have good reason to return to this anniversary and the amendments that the new Instrument of Government brought with it in another context.

Stockholm September 2023



Andreas Norlén
Speaker of the Riksdag

Abbreviations

AS	Act of Succession
EC	European Communities
EU	European Union
FLFE	Fundamental Law on Freedom of Expression
FPA	Freedom of the Press Act
IG	Instrument of Government
RA	Riksdag Act
SFS	Swedish Code of Statutes (Svensk Författningssamling)

Contents

The development of constitutional law in Sweden

Why do we have a constitution?

If a state is to function effectively, its citizens need to agree on the rules of the game. If these are observed, decisions are perceived to be legitimate. The rule of law is a precondition for legal security and the durability of the form of government. This has applied in Sweden throughout the ages. Ever since the time of the Uppland Law in the late 13th century, the rule has been 'Land shall with Law be built'.

It is natural that the basic rules about how political decisions are taken should be assembled in a document or statute. Virtually every country has such a document, often known as a constitution: in Sweden the term is fundamental law. There are exceptions, however, of which Britain is the best known. The British rules of the game are found in separate acts of parliament and unwritten law, that is to say, in practice. In most countries statutes are assembled in a single document. Sweden, however, has four fundamental laws: the Instrument of Government (IG), the Act of Succession (AS), the Freedom of the Press Act (FPA), and the Fundamental Law on Freedom of Expression (FLFE). The central provisions are contained in the Instrument of Government, and this corresponds most closely to the constitutions of other countries.

It is necessary, then, to agree on the rules of the game. When the present Instrument of Government was adopted, it was also widely felt that broad support was desirable on the most fundamental questions.

Almost every country has constitutional rules designed to encourage such broad support. Amending the constitution calls for a more complex, and frequently a more difficult, procedure than amending an ordinary act of law. For example, approval by two parliaments with a general election intervening, a qualified majority in parliament, a referendum requiring a certain minimum level of support for the proposal or some combination of these conditions. The idea behind these rules which prescribe a more complex, or at least more protracted procedure, is that a proposed amendment should have broad support if it is to be adopted, This time for reflection is necessary, and that it is reasonable for the people to have an opportunity to express their views, either in an election or through a referendum. Constitutional change should be 'hedged about with onerous formalities, necessary to deter ill-considered experiments and forestall hasty decisions', as the 1809 Committee on the Constitution put it.

The rules in a constitution specify the bodies which take decisions, that is to say, the people through their elected representatives in parliament or through a referendum, the head of state, the Government, the judiciary, and the administrative authorities. They also specify how these bodies are formed and how functions are distributed among them. These basic rules of the game create the conditions that give legitimacy to the decisions taken. It might be added that the rules of the game are more indispensable than ever in times of tension and conflict.

But a constitution must not be merely a catalogue of formalities. It must not restrict itself to merely listing decision-making bodies and procedures. It must also give serious consideration to the content of the decisions taken.

It is usual for a constitution to contain general statements of principle, often in an introduction or preamble, which are declared to form the basis of the constitution. Such statements are found in the opening article of the Instrument of Government, which states that all public power in Sweden proceeds from the people, and that Swedish democracy is founded on the free formation of opinion and on universal and equal suffrage. This introduces an ideological element, and similar confessions of political faith are probably to be found in every constitution.

There are also provisions in the Constitution of Sweden which establish general policy goals. For example, the introductory chapter of the Instrument of Government (IG 1:2) states that the personal, economic and cultural welfare of the individual shall be the fundamental aims of public activity. These are not however legal rules in the sense that they can be enforced in a court of law.

Providing protection for citizens in relation to the state is an important constitutional function. The idea that humanity has certain natural fundamental rights and freedoms, which people in positions of power should not abuse, has been kept alive ever since antiquity. Declarations of rights and freedoms or corresponding sets of rules have become a common feature of constitutions. Chapter 2 of the Instrument of Government contains provisions on the citizens' fundamental rights and freedoms.

Another important function of a constitution is to inform. It is particularly important for a constitution to be written in language that can generally be understood by all citizens with an interest in public affairs. One of the explicit purposes of the 2010 revision of the Instrument of Government was to make it clearer and easier to grasp.

A constitution also has a symbolic function. This is particularly noticeable in countries like the United States and Norway, whose constitutions were drawn up in tense and dramatic circumstances. The US Constitution is the oldest constitution in the world currently in force and that of Norway is the next oldest.

To sum up, the constitution is the very foundation on which rest all decisions in the public sphere. All decision-makers base their legitimacy on the constitution. But the constitution also has other important functions, in particular that of safeguarding the fundamental rights and freedoms of the citizens.

A look back at history

Rimbert, Archbishop of Hamburg and Bremen in the latter part of the 800s, wrote a biography of Ansgar his predecessor, who was known as the apostle of the North. In it he writes that when Ansgar was on his mission to convert the people living around Lake Mälaren, their King told him 'It is customary among us that decisions on public matters depend more on the unanimous will of the people than on the power of the King.'

It is of course open to question whether such a statement is genuine and to what extent it reflects reality. But it clearly indicates that the idea of Sweden being a constitutional state goes back a long way. In Swedish history, demands for a separation of powers, or constitutionalism, have gone hand in hand with demands for a written constitution.

Sweden has had a written constitution valid throughout the country since the mid-14th century, when the Landslag, the National Law of King Magnus Eriksson, was drawn up. The Royal Statute of the National Law lays down rules governing the election of a King, his duties, his right to levy taxes under certain conditions and the right of the people to participate in decisions concerning taxes, the election of councillors, and the functions of the Council of State. The Royal Statute corresponds to our modern Instrument of Government.

Swedish popular representation, known as a Riksdag or Diet from the late 1500s, developed from meetings to elect the King and the local taxation boards that were stipulated in the Royal Statute. It also developed from meetings of powerful men which could be extended to comprise all politically influential groups. As in many other European countries these groups consisted of the nobility, the clergy and the burghers, but a group that was unique to Sweden was the free land-owning peasantry. The Riksdag did not hold meetings regularly or on its own initiative, but was convened by the King when necessary. In the 16th and 17th centuries, despite this lack of independence, parliament came to play an increasingly important part in the life of the state. Sweden's first Riksdag Act was enacted in 1617. It ensured that the monarch led the work of parliament.

In the 16th century, Sweden became a hereditary kingdom, and for this reason decisions of various kinds were added to the Royal Statute: these included succession pacts affecting the succession to the throne (the first in 1544), royal wills (the first in 1560) and royal accession charters (the first in 1594).

Opinions were sometimes divided, however, as to the feasibility or advisability of applying the constitutional form of government prescribed in the National Law. Until 1809, there was a continuous struggle between the champions of autocratic rule and those who advocated the National Law's insistence on a separation of powers.

Gustaf II Adolf's 1611 Accession Charter represents a capitulation on the part of the throne, but nonetheless the King still made most of the decisions in his Government. When the King died in 1632, regents were appointed to act for Queen Christina. Sweden's first Instrument of Government was enacted in 1634 for the guidance of the Regency Government. It was drawn up by Axel Oxenstierna, one of the foremost statesmen in Sweden's history. This Instrument of Government, which did not supersede the Royal Statute, may be regarded as largely a statute of administration. In many respects, Swedish administrative traditions go back to the 1634 Instrument of Government.

When another long regency was at hand in 1660, it was decided that government should be conducted in accordance with the 1634 Instrument of Government. There was an important addition, however. The Riksdag

(parliament) of the Estates was to meet every three years. The Riksdag was now for the first time a regular body of the state and was no longer convened only when the King had need of it.

It seemed natural that the Instrument of Government should be something different from and more significant than a statute of regency, and the idea had many advocates. It should apply in other circumstances, too. This conflicted with the plans of Carl XI, and so one of the first steps he took when he initiated the Carolingian autocracy in 1680 was to have parliament declare that the King was not bound by any Instrument of Government, but could alter it arbitrarily.

The death of Carl XII in 1718 saw the end of both Sweden's status as a great power and the autocratic monarchy. The pendulum now swung back in the other direction. A new form of government took shape, known appropriately enough as Age of Freedom Government, and it captured the imagination of great philosophers of the age like Voltaire, Rousseau and Mably. It was based on the new and more comprehensive Instrument of Government. This was replaced in 1720 by a new Instrument of Government on the abdication of Queen Ulrika Eleonora in favour of her husband Frederick I. It was accompanied by new Royal Accession Charters.

The Age of Freedom had a parliamentary form of government. A two-party system evolved, with parties known as the Hats and the Caps. In his Accession Charter, the King pledged himself to agree in all circumstances with the Estates, 'as being the possessors of power'. The Instrument of Government stipulated that he should govern the country 'with the advice of the Council, not without it, much less against it'. He had two votes in the Council, plus a casting vote. If he found himself in a minority, he was to accept the majority decision 'as being in all probability the safest and best'. Nominations for membership of the Council were prepared by a committee of parliament. Initially, the King was allowed to choose between three names, but this freedom of choice later lapsed. A method was devised whereby parliament could dismiss a member of Council, and this was brought into use when the parliamentary majority changed following an election.

A new Riksdag Act, which carefully regulated forms and procedures, was introduced in 1723. The work procedures currently used in the Riksdag, particularly in the committees, have their roots in the Age of Freedom.

The Age of Freedom was rich in constitutional innovations also in other respects. Sweden's first Freedom of the Press Act was introduced in 1766. This Act banned censorship (except in the case of theological writings) and established the principle of public access to official documents. At the same time, a clear line was drawn for the first time between fundamental law and other law. Amendments to the Constitution would require the approval of two consecutive parliaments. The Freedom of the Press Act became a new fundamental law together with the Instrument of Government and the Riksdag Act.

With Gustav III's accession to the throne the clock was turned back. After the King's first coup d'état in 1772, a new Instrument of Government was adopted. It was based on a separation of powers between the monarch and parliament. The King and parliament shared legislative power, and the

King was empowered to levy new taxes, but only if the country was under attack. The King became independent of the Council. An Act of Union and Security was adopted at the time of Gustav III's second coup in 1789. This made the King to all intents and purposes an autocratic ruler. He acquired the right to conduct the affairs of state as he saw fit. One immediate consequence was that the Council ceased to exist. Its role in relation to the administration of justice was transferred to a newly-constituted Supreme Court in which the King had two votes.

Gustav IV Adolf's involvement in the Napoleonic Wars led to the loss of Finland and the coup d'état of 1809. The King was deposed and the Gustavian autocracy came to an abrupt end. The 1772 Instrument of Government and the 1789 Act of Union and Security were replaced by a new Instrument of Government. But it may give cause for reflection that the 1772 Instrument of Government and the 1789 Act of Union and Security survived until 1919 as the basis of the Finnish form of government.

Like its 1772 predecessor, the 1809 Instrument of Government was based on the principle of separation of powers. The power of government lay with the King and the role of the councillors of state was purely advisory. The power of legislation was shared between King and Riksdag as regards fundamental law and civil and criminal law (joint legislation), while the King retained the power of economic and administrative legislation. Power over taxation and the budget was placed in the hands of the Riksdag, together with a detailed power of supervision. One of the Riksdag committees, the Committee on the Constitution, was given the task of scrutinising the councillors of state in their role as advisers to the King. The Parliamentary Ombudsman, who was appointed by the Riksdag, had the task of ensuring that public authorities followed the laws enacted by parliament. Three more fundamental laws were adopted in conjunction with the Instrument of Government, namely the 1809 Act of Succession, the 1810 Riksdag Act, and the 1810 Freedom of the Press Act. In 1810, a new Act of Succession, which is still in force, was adopted when Marshal of France Jean Baptiste Bernadotte was elected heir to the throne, and two years later a new Freedom of the Press Act was adopted.

The 1809 Instrument of Government re-established the basic principles of the freedom of the press, namely, freedom from censorship and other prior interventions; a requirement that there should be support in law for interventions and examination before a court of law; and the principle of the public nature of official documents. Except in relation to the freedom of the press, however, this Instrument of Government for the most part lacks rules concerning rights and freedoms, although its renowned Article 16, which goes back to the royal Accession Charters of the Middle Ages, did contain a few principles intended to protect the citizens. These were perceived to involve the requirement that citizens should be equal before the law.

The 1809 Instrument of Government survived for well over a century. It was not was superseded by the present Instrument of Government until 1975, although it was frequently amended during its 165 years of existence.

One of the first important changes was the 1840 ministerial reform, in which the King's Chancellery, a predecessor of today's Government

Offices, was divided into ministries. The heads of the ministries no longer merely reported to the King and the ministers in the Council of State, but themselves became members of the Council. This made the work of government more effective.

The most radical constitutional changes of the 19th century were introduced when long-delayed representational reforms were finally enacted in 1866. These had been on the agenda ever since the new Instrument of Government was adopted in 1809. The old parliament of the Four Estates was replaced by a bicameral parliament and a new Riksdag Act was adopted. A particularly important amendment was that after 1867, parliament would meet each year. Initially it met only in the spring, but after 1949 it met in the autumn, too.

The 125 (later 150) members of the First Chamber were elected by the county councils and town councils in major towns outside the county councils. Between 1866 and 1909, elections to the First Chamber were held every nine years, between 1909 and 1921 every six years and, after this, every eight years. About one eighth of the members of the Chamber were replaced or re-elected each year. Elections to county councils and town councils took place in accordance with a graduated voting scale which gave more votes to the wealthy and those on high incomes. This, in association with highly restrictive eligibility requirements, led to the First Chamber being dominated by landowners and high-ranking state officials and officers. The 190 (later 230) members of the Second Chamber were elected directly by enfranchised male citizens. The right to vote required an income or property above a certain limit. Until 1920, elections took place every third year and afterwards every fourth year. The Second Chamber was dominated by the peasantry. Legislative decisions required a consensus of both Chambers. In tax and budget matters the rules governing decisions were the same, but if the Chambers made different decisions then a joint vote was held.

Making the form of government more democratic was implemented in stages in the early decades of the 20th century. The suffrage reform of 1909 gave, in principle, all men the right to vote in elections to the Second Chamber. At the same time, a proportional electoral system was introduced, based on a party system which was still in its infancy. Ten years later, the right to vote in local government elections became universal and equal for both men and women. In 1921 women finally obtained the right to vote in elections to the Riksdag.

Independently of and alongside the 1809 Instrument of Government, a different form of government gradually evolved. More and more, the King was compelled to take the views of the Riksdag into consideration in his choice of councillors of state. Power over appropriations was the most important means of pressure the Riksdag possessed. The King's right to decide government matters himself first shrank, and then in the end virtually disappeared. The councillors of state became the Government. Without changing a line of the Instrument of Government, Sweden adopted a parliamentary system, with a government whose strength depended on the number votes it could command in the Riksdag. The process was slow and met resistance. The usual view is that the definitive breakthrough for

the parliamentary system came in 1917 with the creation of a coalition government of Liberals and Social Democrats.

Constitutional developments after the Second World War

A new Instrument of Government and a new Riksdag Act

The introduction of a parliamentary system shifted the balance of power in the Instrument of Government without any amendments to the text. In practice, other changes in the form of government also took place. A right to judicial review for the courts was recognised towards the end of the life of the Instrument of Government. With the increasing complexity of society and the growth of the public sector, the Riksdag was compelled to pay less attention to details. Decisions of principle came into fashion. The importance of being in government grew in general, among other things because the Government had privileged access to the machinery of research.

The dominance of the Social Democratic Party in post-war Sweden encouraged the opposition to take a hard look at the Constitution. They wished to determine whether changes in the Constitution could possibly lead to an opening for them. They first trained their searchlight on the referendum process, followed by the bicameral system. The First Chamber with its successive partial elections and its eight-year electoral periods gave rise to a lag in the composition of the Chamber. It took some time for stable shifts in electoral opinion to have their full impact. Between the wars this lag had been to the advantage of the non-socialist parties, but from the early 1940s it favoured the Social Democrats. The two-chamber system, however, was intimately bound up with the electoral system, which in this way also became drawn into the debate. It was thus high time to take the classical Swedish step of appointing an all-party commission of inquiry.

The first inquiry, the Commission on the Constitution, was appointed in 1954 and presented its final report in 1963. In the course of its work, the inquiry reached agreement on a number of important points. Among other things, it set out proposals for a completely new Instrument of Government and a completely new Riksdag Act. In the opinion of the Commission, it was not possible to introduce the principle of parliamentary government into the old text of the Constitution in a satisfactory manner. The Commission also agreed that it would not propose a transition to full-majority elections, that it would limit any extension of the referendum process, that a special chapter in the Instrument of Government would be dedicated to civil rights and freedoms, and that there both was and should be a right to judicial review for the courts. On the other hand, the Commission could not agree on two crucial political questions, namely the bicameral system and the electoral system. The majority wished to adopt a unicameral system and a combination of personal preference voting and party voting. These disagreements meant that the Commission's proposals could not serve as the basis for a total reform of the Constitution.

A second all-party inquiry was needed. It was called the Commission on Constitutional Reform and was appointed in 1966. In the first phase of its work the Commission focused on reaching a settlement with regard to the chamber system and the electoral system and to introduce the principle of parliamentary government explicitly in the old text of the Constitution. The starting point was that, prior to the 1964 election, the non-socialist parties had agreed to recommend a single-chamber parliament. As the Social Democratic Party suffered great losses in the local elections of 1966 and could thus expect to lose their majority in the First Chamber, they too were converted to the idea of a single chamber. But a precondition for this was that a nationally proportional electoral system was introduced utilising adjustment seats but stipulating a voting threshold of four per cent of the votes throughout the country. A party was required to command this level of electoral support to be represented in the Riksdag. The compromise also included a common election day for parliamentary and local government elections. A three-year electoral period was introduced.

This partial reform of the Constitution was approved by the Riksdag in 1969. Elections to the new unicameral parliament with 350 members took place in the autumn of 1970. It met for the first time in January 1971. In conjunction with the subsequent total reform of the Constitution, the number of members was reduced to 349. This was done to avoid the situation in which the Riksdag found itself between 1974 and 1976 with an equal number of seats, namely 175, in each of the two blocs of political parties; the socialist and non-socialist.

In the second phase of the work of the Commission on Constitutional Reform, the objective was to produce a completely new constitution. A number of complicated issues remained unresolved. At a meeting in Torekov in the summer of 1971, the Commission agreed that the monarchy should be retained and that the head of state should only have representative duties. The Speaker was to submit a proposal for a new prime minister to the Riksdag for its approval. For the proposal to be rejected, more than half of the members were required to vote against it.

Another important dispute in the Commission concerned rights and freedoms. The non-socialist parties advocated greater constitutional protection for political rights and freedoms, while the Social Democrats emphasised social rights. In early 1972, the Commission agreed in the name of compromise to lie low regarding this matter. Shortly afterwards the Commission presented its final report with proposals for a new Instrument of Government and a new Riksdag Act.

A government bill proposing a new Instrument of Government and a new Riksdag Act was submitted to the Riksdag in 1973. The proposal was definitively adopted with certain amendments in the following year. The 1974 Instrument of Government and the 1974 Riksdag Act came into force on 1 January 1975.

Further work on the Constitution

When the new Instrument of Government was being considered by the Riksdag in 1973, the issue of constitutional protection for rights and

freedoms was still a matter of contention. Many people considered that the protection provided in the new Instrument of Government was insufficient. The parties agreed that a third all-party commission of inquiry should be appointed to consider the issue further.

Two years later, the new commission of inquiry, the Commission on Rights and Freedoms, proposed a complete rewording of the second chapter of the Instrument of Government on fundamental rights and freedoms. These were increased in number and scope, and strict conditions and threshold requirements were put in place to make it more difficult to limit them. In this way, judicial review took on greater significance, and for this reason the Commission considered that it should be affirmed in the Constitution. Social rights were afforded a certain degree of protection by including statutes with the character of goals in the first chapter of the Instrument of Government. But the Commission was not unanimous. The majority consisted of representatives of the Centre Party and the Social Democratic Party. The representatives of the other parties considered that the protection afforded was insufficient.

The proposals of the Commission on Rights and Freedoms were implemented with certain amendments, such as the exclusion of the right to judicial review. But at the same time, the parties agreed that a fourth commission of inquiry should be appointed to further consider the issue of rights protection. In 1978, this commission of inquiry, the Commission on the Protection of Rights, reached almost complete agreement on its proposal. It entailed the introduction of procedural obstacles in the Riksdag for limiting fundamental rights and freedoms. In addition, there was to be an expansion of the expert review of proposed legislation carried out by the Council on Legislation. This instance comprises judges from the Supreme Court and the Supreme Administrative Court. Like its predecessor, this commission of inquiry considered that the right to judicial review should be affirmed in the Constitution and contain a requirement of manifestness. This means that only if an error is manifest should a provision laid down by the Riksdag or the Government not be observed. According to the Commission on the Protection of Rights, the possibility of holding a binding referendum on a pending decision on a fundamental law should also be introduced. In 1979, the Riksdag adopted the Commission's proposal in its entirety.

Although the 1969 representation reform was adopted with a high degree of consensus, no party was really satisfied. As the repercussions of working in a unicameral parliament became clearer, it was felt that certain problems needed to be reviewed. These included the short electoral period, the relatively high number of members, the ineffective mechanism for dissolving the Riksdag in the event of parliamentary crises, a common day for both national and local elections, the issue of personal preference voting and, in the final instance, the electoral system itself.

There were many commissions of inquiry but few results. Not until the 1990s were some of the questions finally resolved. In 1994 it was decided that as of 1998 it should be possible for voters to cast a special personal vote for the party candidate they would prefer to see elected, irrespective of their position on the ballot slip. Candidates receiving a personal preference vote amounting to not less than eight per cent of the party vote in a

constituency should be the first to obtain the seats that the party had won in the constituency. From 2011, the threshold was lowered to five per cent. In party leader deliberations in the autumn of 1993, it was agreed to extend the electoral period to four years. In 1994, this agreement was affirmed in the Constitution.

The debate on constitutional protection for rights and freedoms had not abated. In 1992, a fifth commission of inquiry, the Committee of Inquiry on Rights and Freedoms, was appointed. The report it submitted the following year proposed constitutional provisions on the right to compensation when the state or a local authority limits a citizen's ability to freely use his or her land or buildings, on protection of the freedom to trade and to practise a profession, and on the right to a free basic education in the public education system. An important aspect of the proposal was to incorporate the European Convention for the Protection of Human Rights and Fundamental Freedoms into Swedish law. The proposal was adopted by the Riksdag in 1994. But there was still dissatisfaction with the way in which the protection of property was formulated and with the retention of the requirement of manifestness in the provision on judicial review.

Sweden's accession to the European Union in 1995 also brought changes to the Constitution. Provisions on elections to the European Parliament and on the transfer of decision-making authority to the European Community were introduced into the Instrument of Government in 1994. With a 75 per cent majority, or by the same rules required for changes in the Constitution, the Riksdag was empowered to transfer rights of decision-making to the EC 'as long as the Community provides protection for rights and freedoms corresponding to the protection provided under this Instrument of Government and the European Convention for the Protection of Human Rights and Fundamental Freedoms'. In the same year, a Committee on European Union Affairs was established to handle government consultations with the Riksdag on EU matters. A year or so later, the Riksdag committees were tasked with monitoring work in the EU in their respective policy areas. In 2002, an additional limitation was introduced in the provision on the transfer of decision-making authority. Only rights of decision-making which do not affect the principles underlying the form of government can be transferred.

A decision of historic dimensions was the separation of church from state. The changes in the Instrument of Government needed to make this decision were made in 1998. The reform came into force on 1 January 2000.

The Riksbank's fundamental status was also changed in conjunction with the 1998 elections. By this decision, the Instrument of Government provided protection for the bank's independent decision-making in matters of monetary policy.

The fact that Sweden was virtually the only European state to have two public auditing bodies, namely the Parliamentary Auditors under the Riksdag and the National Audit Office under the Government, had been highly controversial for many years. In 2000, after a ten-year review process in three different commissions of inquiry, the Riksdag approved a decision in principle to set up a new state audit authority to replace both the

Parliamentary Auditors and the National Audit Office. The new National Audit Office was led by three auditors general, who were elected by the Riksdag for a term of seven years with no possibility of re-election. Their independence in relation to conducting audits was guaranteed by provisions introduced into the Instrument of Government in 2002.

The Riksdag has conducted a more or less continuous review of its working procedures. An important element in this process was the reorganisation of the budget year and budget process which was approved in 1994. Since 1997, the budget year coincides with the calendar year, as in the EU. The Budget Bill is to be submitted in the autumn, and the Committee on Finance has a stronger position. The right of members to put questions and interpellations to government ministers was radically transformed in 1996 after being trialled for several years. A question-and-answer session each week with oral questions from members of the Riksdag and direct answers from government ministers was introduced. At any time during the year members may put questions in writing to government ministers for written answers. Since 2001, Riksdag committees are also obliged to follow up and evaluate Riksdag decisions in their areas of competence. As a result of the great number of changes, the Riksdag Act was completely revised in 2003. Following amendments that came into force in 2007, the committees were given a greater role in work with EU affairs, among other things by means of the right to deliberations with the Government. The Lisbon Treaty came into force in 2009 and gave the Riksdag an opportunity to participate in checks to ensure compliance with the EU's principle of subsidiarity.

Owing to the many amendments, the Riksdag Act had, to some extent, lost its clarity and linguistic consistency. In September 2014, therefore, a new Riksdag Act came into force.

Full review of the Instrument of Government

The years shortly before and after the turn of the century 1999/2000 were characterised by a lively debate that was more focused on constitutional principles than for a long time previously. Fuel was added to the debate by studies conducted as a result of both public and private initiatives. In 1997, the Government appointed an all-party commission of inquiry, the Government Commission on Swedish Democracy, which was charged with considering the new conditions, problems and opportunities facing Swedish popular government in the 21st century. The inquiry commissioned a number of social scientists to study the development of democracy and published no less than 32 short documents and 13 volumes of research findings. The inquiry's final report contained several positions regarding principles but few conclusions relating to concrete constitutional issues.

The Government responded to the broader debate on constitutional issues by appointing an all-party commission of inquiry with representatives from all seven Riksdag parties (the Working Committee on Constitutional Reform). The task of the inquiry was to conduct a comprehensive review of the Instrument of Government (terms of reference 2004:96). The primary focus of this inquiry was on strengthening and deepening Swedish

democracy, increasing citizens' confidence in the way democracy functions and increasing voter turnout. The terms of reference made it clear that the Working Committee had been given a broad remit for its work and was in principle free to consider every issue which could be considered to be within the framework of this remit. A total reform of the Constitution was not on the agenda, however. The remit did not cover the fundamental principles for the form of government which are laid down in the introductory chapter of the Instrument of Government.

For the most part, the Working Committee on Constitutional Reform worked with specialists, researchers and reference groups. A great number of conferences and seminars were organised to gather information and stimulate interest in constitutional issues. The Working Committee on Constitutional Reform published 14 reports in 2007 and 2008.

It submitted its report, Constitutional Reform, in December 2008 (SOU 2008:125, summary in English, pp. 37–52). The inquiry was unanimous in every respect. As a result, the Working Committee's proposals were approved without changes in all essentials, by both the Government and the Riksdag. 2009/10:80, committee report 2009/10: KU19, committee report 2010/11:KU4, written communication from the Riksdag 2010/11:21).

The Working Committee made a thorough review of the structure and language of the Instrument of Government. The chapter on the administration of justice and public administration was divided into two chapters, one on justice and the other on administration. A new chapter on local authorities was added. The order and division of the provisions were amended for greater clarity.

The Working Committee's proposals dealt with practically every area covered in the Instrument of Government and associated legislation, but no amendment stands out as more general than another. The most important amendments are described below.

The proposals had a clear emphasis on the role of the courts and judges in the constitutional system. As mentioned above, the judiciary was given a separate chapter. This is to highlight the special place occupied by the courts and the judges in the constitutional system. With a few minor changes, the contents of the new chapter correspond to the provisions on the judiciary and judges previously set out in the chapter on the administration of justice and public administration. For instance, the inquiry considered that the Government should continue to appoint permanent salaried judges. However, it proposed that an open procedure for the recruitment of all judges should be introduced. It was further proposed that it be established in the Instrument of Government that the procedures for the appointment of permanent salaried judges should be regulated in law. The process of reviewing legislative proposals was strengthened by the requirement that, in principle, the Council on Legislation is not merely (as previously) expected to, but obliged to examine all draft legislation within a broader area of legislation. In addition, the protracted discussion on the requirement of manifestness finally led to its removal from the provisions on judicial review. Provisions decided by the Riksdag or the Government no longer needed to be in evident conflict with a rule of fundamental law

or other superior statute, or to have been adopted in evident conflict with a procedure laid down in law to be set aside by a court or other public body. Finally, it may be noted that the rules concerning the division of power between the Riksdag and the Government to decide on laws and all other provisions were simplified.

The extension of rules on rights and freedoms, which took place primarily in 1976, 1979 and 1994, continued in 2010. It was proposed that protection against discrimination be extended to cover sexual orientation. The Working Committee on Constitutional Reform additionally proposed the introduction of a provision to the Instrument of Government stating that legal proceedings should be conducted fairly and within a reasonable period of time. The model for this addition is Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, but the provision has broader scope in the Instrument of Government. The provision on protection of property was amended to clarify the main principle regarding full compensation in case of expropriation or other such disposition. The amendments to the Instrument of Government in 2010 also included a provision drawn up by another commission, the Commission on the Protection of Personal Privacy. This provision ensures the protection of all from any significant invasions of personal privacy by a public institution that takes place without consent and involves surveillance or monitoring of an individual's personal circumstances.

Some of the changes had the common purpose of strengthening Parliament's position in relation to the Government. The most important of these was the introduction of a compulsory vote on the Prime Minister after each election. Previously, a Government was able to remain in power after an election, regardless of the results, if the Prime Minister considered the parliamentary situation to warrant it (however, the opportunity to call a vote on a declaration of no confidence on the part of the Riksdag has always existed). In addition, it was proposed that the powers permitting the scrutiny of the Government by the Committee on the Constitution should be strengthened. The Committee was given an explicit right to obtain all official documents from the Government that it considers necessary for its scrutiny. Previously the Government was only obliged to provide the minutes of government meetings and official documents relating to these.

The constitutional regulation of the status of local authorities previously in force was criticised for being too brief and vague. In response to this criticism, a new chapter in the revised Instrument of Government was devoted to local authorities. This was intended to highlight the importance of local government in Swedish society. The new chapter collected in one place regulations already set out in different parts of the Instrument of Government. But the inquiry also proposed new provisions. One example is the provision that any restriction of local self-government should never exceed what is necessary with respect to the circumstances that have given rise to it. The constitutionality of the local government tax equalisation system had been a matter of contention for many years. The problem was resolved by the inclusion of a provision, entailing that local authorities may be obliged by law to contribute to the costs of the activities of other local

authorities. An indispensable condition for this kind of obligation is that it is intended to achieve equitable financial conditions between local authorities.

Finally, it should be mentioned that the international perspective received a certain degree of attention in the review of the Instrument of Government. One of the most important changes in the international area was that membership of the European Union was written into the introductory chapter. However, the provision makes no mention of the constitutional consequences of membership. It merely notes that Sweden is a member of the European Union. The provision further states that Sweden also participates in international cooperation within the framework of bodies such as the United Nations and the Council of Europe.

Recent amendments to the Instrument of Government etc.

In connection with the 2014 general elections, some minor changes were made to the Instrument of Government (government bill 2013/14:48, committee report 2013/14:KU16, committee report 2014/15:KU2, written communication from the Riksdag 2014/15:19). The rules on proportionality in the election system and advance notification of parties in elections were amended. One of the reasons for this was to ensure that the seats in the Riksdag are distributed proportionally so that the distribution reflects how the voters have actually voted.

The Instrument of Government's provisions on the National Audit Office were amended after the 2018 elections (submission 2017/18:RS4, committee report 2017/18: KU15, committee report 2018/19:KU4, written communication from the Riksdag 2018/19:18–21). The amendments meant that the provision on the number of auditors general was moved from the Instrument of Government to the Riksdag Act in order to make it easier to change the number of auditors general in the future. A requirement was also introduced to the Instrument of Government that a qualified majority of the members of the Riksdag must agree on a decision to remove an auditor general from office. Furthermore, a provision was moved from ordinary law to the Instrument of Government on the obligation to assist and provide information to the National Audit Office. According to the provision, central government authorities shall provide the assistance and information requested by the National Audit Office for its audit. Other bodies that may be audited have a corresponding obligation regarding the part of their activities that is examined.

In 2020, changes were introduced to the management structure of the National Audit Office (submission 2019/20:RS5, committee report 2019/20:KU6, written communication from the Riksdag 2019/20:160–162). Instead of a management structure with three auditors general, the authority is now led by just one auditor general. In addition, the Riksdag elects a deputy auditor general.

New fundamental laws for the freedom of expression

During the Second World War, the freedom of the press was put under great strain. The Government took advantage of the legal possibilities provided by the Freedom of the Press Act to prevent the press from publishing and distributing views which might be perceived as provocative by the warring nations, particularly Nazi Germany. However, this was not all. Consultations, which frequently assumed the form of pressure, were also used to try to influence news coverage in the press.

For this reason, it was natural in the closing stages of the war to appoint a commission of inquiry with the task of reviewing the Freedom of the Press Act from 1812 which was still in force at the time. The commission was scathing about the press policy of the war years, and its proposals were intended to prevent restrictions of the kind that occurred during the war. The result of the commission of inquiry was a completely new Freedom of the Press Act which was adopted in 1949 and came into force in 1950.

The principle of sole responsibility made an early appearance in the Freedom of the Press Act. This was of particular significance in the case of the daily press and other periodical publications where, in many cases, several different contributors were involved. A single individual was registered as responsible editor and was liable for any offences. Other persons – journalists, technical staff, outside contributors and sources – were immune from liability and could therefore remain anonymous.

The new Freedom of the Press Act extended the protection afforded to providers of information to include information that was intended for publication but was never actually published. In 1976, the individual's legal right to anonymity in publishing information was extended by a ban on seeking sources. The notion of a 'reprisals ban' developed in legal practice. This refers to the prohibition of any measure entailing negative consequences for public sector employees arising from their assistance in the publication of information in a constitutionally protected medium. In 2010, this prohibition was written into the Freedom of the Press Act and the Fundamental Law on Freedom of Expression.

Initially there was no special statutory regulation of sound radio or television. The various provisions of the Criminal Code applied to all broadcasters in accordance with general principles. There were no statutory provisions on immunity from liability for providers of information, or on a right to remain anonymous. There was no general right to broadcast programmes, and such activities presupposed a licence. In practical terms, the state broadcasting corporations enjoyed a monopoly.

Special laws for sound radio and TV – a Broadcasting Act and a Broadcasting Liability Act – were introduced in 1966. These were not fundamental laws. The licensing requirement was retained. The de facto monopoly was balanced by an obligation on the part of the broadcasting corporation to observe objectivity and impartiality, an obligation which had no equivalent in the Freedom of the Press Act. The rules were otherwise largely based on the same principles as the Freedom of the Press Act.

The question of rules of fundamental law for non-print media was reviewed several times, starting in 1970. The initial focus was on radio and television, but other media later received attention, primarily those dependent on technical equipment, like films and other mechanical or electronic recordings of sound and images. One much-debated issue was whether the Freedom of the Press Act should be reworked to cover these other media or whether they should be regulated in a special fundamental law alongside the Freedom of the Press Act. The latter view prevailed and a new fundamental law, the Fundamental Law on Freedom of Expression, was adopted in 1991. It came into force in 1992.

A highly controversial issue concerning freedom of expression during the 1990s was child pornography. In 1998, it was decided that the Freedom of the Press Act and the Fundamental Law on Freedom of Expression should not be applicable in connection with the depiction of children in pornographic images. This made it possible to extend the range of punishable offences in relation to child pornography.

Technical developments in the areas of information and the media led to changes in the Freedom of the Press Act and the Fundamental Law on Freedom of Expression in 1998, 2002 and 2010. One proposal which was implemented in 2014 was an amendment to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression setting out that written matter and technical recordings shall not be deemed to have been published in Sweden – and thus covered by the Freedom of the Press Act or Fundamental Law on Freedom of Expression – when they have merely been sent from Sweden to a recipient abroad and not delivered for dissemination in Sweden. The purpose was to extend opportunities for international legal cooperation in certain situations where the link to Sweden is weak.

On 1 January 2019 the Freedom of the Press Act and the Fundamental Law on Freedom of Expression came into force in a new wording. The language had been modernised and the structure reviewed. The purpose was to make the fundamental laws more comprehensible and easier to apply. Certain amendments to the contents were also made. Among other things, an opportunity for discharge from liability was introduced for the responsible editor of material in databases, for example the website of a daily newspaper, that is more than one year old.

The Government also proposed the introduction of provisions to the fundamental laws making it possible to ban search services publishing personal data relating to criminal offences etc. (government bill 2017/18:49). During the Riksdag's consideration of the matter, the Committee on the Constitution underlined that constitutional amendments are normally based on broad consensus and that the broad level of consensus that is normally sought had not been achieved with regard to the Government's proposal to make it possible to ban such search services. In the light of this, the Committee proposed that the Riksdag reject that part of the Government's proposal. At the same time, the Committee considered that these types of search service represent a serious violation of an individual's privacy and therefore proposed that the Riksdag call on the Government

in an announcement to once again examine the matter of restricting the constitutional protection for such search services (government bill 2017/18:KU16). The Riksdag decided in accordance with the Committee's proposal, and the Government gave the 2018 Committee of Inquiry on Freedom of the Press and Freedom of Expression the task of examining the matter in supplementary terms of reference (terms of reference 2019:29). In August 2020, the Committee of Inquiry presented its report An adequate protection of the freedom of the press and freedom of expression (SOU 2020:45). The report contains a proposal to enable a ban on search services that publish personal data about criminal offences

A proposal along these lines was presented in government bill 2021/22:59, An adequate protection of the freedom of the press and freedom of expression. During the Riksdag's consideration of the matter, the Committee on the Constitution shared the Government's assessment that the current regulations provide insufficient support for violations of privacy. At the same time, the Committee noted that the Committee of Inquiry's proposal had received very strong criticism from the referral bodies. In the opinion of the Committee on the Constitution, the identified shortcomings regarding the predictability of the proposed regulation meant that the Government's proposal could not be considered an appropriate restriction of this constitutionally protected area. The Committee rejected the Government's proposal to restrict the constitutional protection for certain search services (committee report 2021/22:KU14). The Riksdag decided in accordance with the Committee's proposal (written communication from the Riksdag 2021/22:283).

The principal content of the fundamental laws and the Riksdag Act

The Instrument of Government

Basic principles of the form of government

The basic principles of the form of government are expressed in Chapter 1 of the Instrument of Government. Article 1 states: 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 is realised through a representative and parliamentary form of government and through local self-government. Public power is exercised under the law.

The presentation of the basic principles which follows takes this opening article as its point of departure.

Democracy

Swedish democracy is declared to be founded on universal and equal suffrage and the free formation of opinion, in other words, on political democracy – that is to say, democracy as a method for making decisions. This does not mean that the Instrument of Government is closed to broader interpretations of democracy. IG 1:2 states that one of the aims of public institutions shall be to ensure that the ideals of democracy act as guidelines in all sectors of society. 'Public institutions' denote both norm-setting bodies like the Riksdag and local government decision-making assemblies, and executive bodies like the judiciary, the Government, administrative agencies, and bodies organised in accordance with civil law which perform administrative functions.

Representative form of government

Citizens do not themselves participate directly in decision-making, but do so indirectly through their elected representatives in the Riksdag and in local government assemblies. Political parties are an essential element in a democracy. When the Instrument of Government was established, it was stated that political activities would continue to be conducted primarily through political parties in the future, too. The parties are free associations and the aim was to avoid statutory regulation of their activities. This might have constituted a violation of the freedoms of expression and assembly.

Referendums are an exception to the representative form of government. Consultative referendums have been possible since 1922, and it has been possible to put constitutional measures to a binding referendum since 1980, although this procedure has not yet been employed. Consultative referendums are not legally binding on the Riksdag, although in general they have actually proved to have the same effect. Consultative referendums have been held on six occasions so far. The most recent referendum was

held in 2003 on the introduction of the euro. The political parties declared in advance that they would accept the result.

Parliamentary government

Parliamentary government means that the Government must have the confidence of Parliament or at least be tolerated by it. It must always be possible for a parliamentary majority to compel a Government to leave office, but in Sweden and in most other parliamentary countries the Government has a counter-measure at its disposal in that it is able to call an extraordinary election. The real power of the Government fluctuates with the support it enjoys in Parliament and with the party constellations there. If it has a majority, power is concentrated in the Government's hands. The intention is that, as long as it is tolerated by the Riksdag, and acts within the framework set by the decisions of the Riksdag, the Government will be able to act quickly and forcefully.

Local self-government

Democracy is realised not only by means of a representative and parliamentary form of government, but also through local self-government. This is considered so essential that its basic principles are set out in the Instrument of Government. Indeed, the municipal and regional councils are responsible for a very large part of the public sector.

Basic provisions relating to the local authorities are contained in Chapter 14 of the Instrument of Government.

Conformity with the law in the exercise of public power

The opening article of the Instrument of Government prescribes that public power shall be exercised under the law. This affirms the age-old principle that all exercise of power must conform with the law. This applies not just to courts of law and public administration but also to Government and Parliament. It applies equally to local and central government. The same purpose underlies the stipulation in IG 1:9 that courts of law, administrative authorities and others performing public administration functions shall have regard in their work to the equality of all persons before the law and shall observe objectivity and impartiality.

Fundamental objectives of public activity

Certain fundamental policy objectives are set out in IG 1:2. The content of this article is such that it may be assumed to be acceptable to almost all residents of Sweden.

It lays down that public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the individual. The personal, economic and cultural welfare of the individual shall be fundamental aims of public activity. In particular, the public institutions shall secure the right to work, housing and education, social care and social security, as well as favourable conditions for good health. The article further states that the public institutions shall promote sustainable development leading to a good environment for present and future generations.

It also stipulates that the public institutions shall protect the private and family lives of the individual and ensure that the ideals of democracy guide activities in all sectors of society. The public institutions shall also encourage everyone to participate in the life of society on an equal footing, and ensure that the rights of the child are safeguarded. The public institutions shall also combat discrimination on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or any other circumstance affecting the individual. In conclusion, the article states that the opportunities for the Sami people and ethnic, linguistic and religious minorities to preserve and develop their own cultural and community life shall be promoted.

Sweden's four fundamental laws

The Constitution of Sweden traditionally consists of four fundamental laws: the Instrument of Government (IG), the Act of Succession (AS), the Freedom of the Press Act (FPA), and the Fundamental Law on Freedom of Expression (FLFE). Together they make up the Constitution of Sweden. What they have in common is that their passage into law is a different and more complicated process than that required for ordinary laws. The Instrument of Government is a general fundamental law which lays down how the country is to be governed. The Freedom of the Press Act regulates the use of the freedom of expression in printed media and the principle of public access to official documents. The Fundamental Law on Freedom of Expression regulates the use of the freedom of expression in non-printed media. The Act of Succession lays down how the Swedish throne is inherited between members of the Bernadotte family.

The tasks of the Riksdag and the Government

Only the Riksdag may pass laws, decide on taxes and on the use of state funds. The Riksdag also has the task of examining the governance and administration of the country (IG 1:4).

The Government governs the country (IG 1:6). What this means is set out in more detail in various provisions in the Instrument of Government. In accordance with the principle of parliamentary government, the Government is accountable to the Riksdag.

The monarchy

The Instrument of Government has retained the monarchical form of government. The reigning King or Queen is the Head of State (IG 1:5). The Head of State has no political power.

International cooperation

Sweden's membership of the European Union is affirmed in the Constitution (IG 1:10). The same article also states that Sweden participates in international cooperation within the framework of the United Nations and the Council of Europe, and in other contexts.

Fundamental rights and freedoms

Introduction

The rules in Chapter 2 focus on basic rights and freedoms. The political freedoms are primarily defined in the first two articles of the chapter. The purpose here is to guarantee that the formation of opinion in political, religious and cultural matters is free from the interference of the public institutions. Another group of rules (IG 2:4–8) is more oriented towards the protection of an individual's physical inviolability and freedom of movement. The following three articles (IG 2:9–11) are oriented towards an individual's legal rights. Articles 12 and 13 of Chapter 2 prohibit laws or other regulations which entail discrimination (IG 2:12–13). The following article concerns the right to take industrial action in the labour market (IG 2:14).

The Instrument of Government is relatively restrained regarding provisions on an individual's economic freedom. But there are rules on the protection of property in conjunction with rules on the right of public access (IG 2:15). The following two provisions affirm constitutional protection for the copyright of authors, artists and photographers (IG 2:16) and for freedom of trade (IG 2:17).

A right of another kind is the right to free basic education, which is set out in Article 18 together with protection for freedom of research.

A central aspect of the discussion on the constitutional regulation of fundamental rights and freedoms is the problem of ensuring that constitutional obligations are actually observed. During work on the Instrument of Government, the possibility of the courts conducting a judicial review and other regulatory measures was considered a necessity. On the other hand it was stressed that such a review should not become a normal element of legal procedure.

The result was that no authority responsible for applying the law – not just the courts – may apply a regulation whose content or origin conflicts with fundamental law or any other superior statute. The significance of judicial review goes far beyond the area of rights and freedoms.

The Instrument of Government and the European Convention for the Protection of Human Rights and Fundamental Freedoms

Alongside the constitutional regulations on fundamental rights and freedoms, Sweden has acceded to international conventions in this area, principally the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols. Over time, judicial developments at the European Court of Human Rights in Strasbourg showed that the rules of the Convention had significant effects on the Swedish judicial system even after the introduction of the rules concerning rights in the Instrument of Government. In a number of cases the Court has established that Sweden has violated Article 6 of the Convention, which lays down a statutory right to 'a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law'. To a large degree these adverse rulings were due to the

European Court of Human Rights interpreting the expression 'civil rights and obligations' more broadly than was anticipated in Sweden.

The many adverse rulings on this point led to the Riksdag adopting the Act on the Judicial Review of Certain Administrative Decisions, now replaced by the Act on Judicial Review of certain Government Decisions (2006:304). This Act makes it possible to obtain a review in the Supreme Administrative Court of government decisions affecting an individual's civil rights and obligations in the sense intended in Article 6.1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Other decisions, which a court of law must be able to review according to the Convention, may instead be appealed in a general administrative court in the usual way. After the adoption of the first Act on Judicial Review, there has been a decrease in the number of adverse rulings in cases from Sweden.

Sweden has incorporated the Convention as a whole into Swedish law through the Act on the European Convention for the Protection of Human Rights and Fundamental Freedoms (1994:1219). An issue discussed in the reasons for the decision was whether or not the Convention should be part of the Swedish Constitution or of ordinary law. Ordinary law was chosen, but the Convention was given special status. A ban on regulations conflicting with Sweden's commitments under the Convention was written into the Instrument of Government (IG 2:19). Future conflicts concerning the application of provisions of the Convention and older or more recent provisions in Swedish laws and ordinances will have to be resolved in accordance with generally accepted principles of judicial interpretation. Superior law has precedence over inferior law, recent law over past law, special law over law of more general application. Two principles of interpretation were given special emphasis by the Committee on the Constitution: partly that the point of departure is that Swedish laws and ordinances are compatible with Sweden's international commitments (the principle of treaty conformity) and partly that in view of its special character, a Convention on human rights ought to carry special weight if there is a conflict with national provisions (committee report 1993/94:KU24, p. 17 f.).

With the entry into force of the Treaty of Lisbon in 2009, the European Convention for the Protection of Human Rights and Fundamental Freedoms became legally binding.

Description of rights

Certain of the rights and freedoms dealt with in Chapter 2 of the Instrument of Government are absolute in the sense that they cannot be restricted other than by changing fundamental law. Others may be limited by other forms of statute, mainly ordinary law. In some cases, including the indispensable political freedoms, the Instrument of Government gives a relatively full description. It also provides for a special procedure in the Riksdag for deciding on limitations. The Instrument of Government also draws up guidelines for the Riksdag to follow when examining the content of a proposed limitation of rights.

The following are absolute rights and freedoms:

1. freedom of worship: 'the freedom to practise one's religion alone or in the company of others' (IG 2:1, paragraph one, point 6);
2. protection against coercion to divulge an opinion in a political, religious, cultural or other such connection (IG 2:2);
3. protection against coercion to participate in a meeting for the shaping of opinion or in a demonstration or other manifestation of opinion (IG 2:2);
4. protection against coercion to belong to a political association, a religious community or other association for promoting opinions covered by point 2 (IG 2:2);
5. protection against recording information in a public register concerning a Swedish citizen based solely on his or her political opinion without consent (IG 2:3);
6. prohibition of capital punishment, corporal punishment, torture and medical intervention with the purpose of extorting or suppressing statements (IG 2:4–5);
7. prohibition of deportation or refusal of entry into Sweden of a Swedish citizen, and protection of a Swedish citizen from deprivation of citizenship (IG 2:7);
8. the right to a hearing before a court of law if deprived of liberty; in certain cases, such a hearing may be replaced by examination before a tribunal presided over by a permanent salaried judge (IG 2:9);
9. prohibition of retroactive penal sanctions (IG 2:10, paragraph one);
10. prohibition of retroactive taxation or state charges (IG 2:10, paragraph two). The Riksdag may approve exceptions in times of war, danger of war or grave economic crisis;
11. protection against the establishment of a court of law to examine an offence already committed or a particular dispute or otherwise in regard to a particular case (IG 2:11, paragraph one);
12. legal proceedings are to be conducted fairly and within a reasonable period of time (IG 2:11, paragraph two, sentence one).

The rights and freedoms which can be limited by means of law and are covered by qualified procedure rules are as follows:

1. freedom of expression: freedom to communicate information and express thoughts, views and opinions and sentiments, pictorially, in writing or in any other way (IG 2:1 paragraph one, point 1);
2. freedom of information: freedom to procure and receive information and otherwise acquaint oneself with the utterances of others (IG 2:1 paragraph one, point 2);
3. freedom of assembly: freedom to organise and attend meetings for information, expression of opinion or other similar purposes or to present artistic work (IG 2:1, paragraph one, point 3);

4. freedom to demonstrate: freedom to organise and take part in demonstrations in a public place (IG 2:1, paragraph one, point 4);
5. freedom of association: freedom to associate with others for public or private purposes (IG 2:1, paragraph one, point 5);
6. protection against forcible physical violation (in addition to that mentioned under absolute rights and freedoms point 6 (IG 2:6 paragraph one);
7. protection against body searches, house searches and other invasions of privacy (IG 2:6, paragraph one);
8. protection against violation of confidential correspondence or communications (IG 2:6, paragraph one);
9. protection against significant invasions of personal privacy which entail surveillance or systematic monitoring of an individual's personal circumstances (IG 2:6, paragraph two);
10. protection against deprivations of personal liberty and freedom of movement within Sweden and freedom to leave Sweden (IG 2:8); and
11. the right to a public trial (IG 2:11, paragraph two, sentence two).

The qualified procedure rules also apply to proposals to limit the immunity of communicators of information under the Freedom of the Press Act and the Fundamental Law on Freedom of Expression (see FPA 7:22, paragraph three and FLFE 5:4, paragraph three) and in certain other cases under the Fundamental Law on Freedom of Expression (FLFE 3:5).

The Instrument of Government sets out in general terms certain requirements which must be taken into account in limiting the rights and freedoms listed above (IG 2:21). The purpose of such a limitation must be acceptable in a democratic society. A limitation must never exceed what is necessary with respect to the purpose that occasioned it, nor may it be of such scope as to constitute a threat to the free formation of opinion as a foundation of democracy. It is further stipulated that no limitation may be imposed solely on grounds of a political, religious, cultural or other such opinion. Further rules concerning the freedoms of expression and information, and the freedoms of assembly and demonstration are set out in more detail in IG 2:23 and IG 2:24 respectively.

When limiting rights, the Riksdag must also have regard to the prohibitions on discrimination on grounds of ethnic origin, skin colour, sexual orientation, or gender (IG 2:12–13). These prohibitions apply to all legislation in general and not just to limitations of rights.

The qualified procedure rules (IG 2:22) mean that a minority of more than one sixth of those voting can force through a delay of a minimum of twelve months in respect of adoption of legislation concerning any of the rights and freedoms under points 1 to 11 above. Certain types of limitation are exempted from the qualified procedure rules (IG 2:22, paragraph two). On behalf of the Riksdag, the Committee on the Constitution examines whether the qualified procedure is applicable with regard to a particular legislative proposal. The Committee on the Constitution may not declare

the procedure inapplicable without consulting the Council on Legislation (RA 10:5, paragraph three).

When first introduced, the qualified procedure was seen primarily as a means to encourage such moderation as would ensure broad support for legislation. The infrequency with which the procedure has been applied may be seen as confirmation that it has achieved its purpose.

In addition to the two groups of rights dealt with above, there are a number of rights which may be limited, in general by law without special conditions and without the possibility of applying the qualified procedure. These include the right to industrial action (IG 2:14), protection of rights of ownership and the right of public access (IG 2:15), of copyright (IG 2:16), of the freedom of trade or to practise a profession (IG 2:17, paragraph one), and finally of the right to education and freedom of research (IG 2:18).

These rights may all be accorded a large, and sometimes decisive, part of their content by way of ordinary law. Protection of the right to industrial action may be limited by law or agreements (IG 2:14). Protection against being compelled to surrender property by expropriation and against suffering restrictions on the use of land or buildings may be waived where necessary to satisfy pressing public interests (IG 2:15, paragraph one). Individuals compelled to surrender property shall receive full compensation for their loss. Compensation is also to be assured for those whose use of land or buildings is restricted by public authorities in such a way that ongoing use is made considerably more difficult or considerable damage is caused. Compensation in these cases is to be determined according to principles laid down in law (IG 2:15, paragraph two). Where restrictions in the use of land or buildings are undertaken for reasons of health or safety, however, the right to compensation is not guaranteed in the Instrument of Government (IG 2:15, paragraph three).

In the provision on the right to trade or practise a profession (IG 2:17), it is stated that limitations may only be introduced to protect pressing public interests. The provision also states that such limitations shall never be designed solely to further the economic interests of a particular person or enterprise. The rule may be seen as providing some protection for free market competition.

The right to free basic education (IG 2:18, paragraph one) is in a strict sense absolute. But only children eligible for general compulsory education have this right, and the scope of compulsory education cannot only be extended by ordinary law but can also be limited by it.

The Instrument of Government's rules on rights and freedoms apply for the most part to all individuals, that is to say they also apply to foreign nationals residing in Sweden. Certain provisions, however, only apply to Swedish citizens, for instance, protection against the registration of opinion (IG 2:3), protection against deportation or other hindrance to entry into the country (IG 2:7, paragraph one), and freedom of movement within the country (IG 2:8, paragraph one). Where protection of rights applies to both Swedish citizens and other nationals, however, the constitutional protection afforded to other nationals may be weaker than that afforded to Swedish citizens. A number of the rights and freedoms may be limited

by law for foreign citizens without applying most of the provisions laying down special conditions to be met before a limitation may be approved (IG 2:25).

The Riksdag

The Riksdag consists of a single chamber with 349 members (IG 3:2). These are elected simultaneously in free, secret and direct elections. Voting is for parties, but there is an opportunity for voters to cast a personal preference vote by ticking one of the candidates on the ballot slip (IG 3:1). All Swedish citizens who are or have been residents of Sweden and who reach the age of 18 years not later than election day have the right to vote in Riksdag elections. To be elected, an individual must satisfy the same conditions as apply to the right to vote (IG 3:4). For elections to the Riksdag the country is divided into 29 constituencies (IG 3:5 and Elections Act 4:2). Of the 349 seats, 310 are fixed constituency seats distributed among the constituencies on the basis of the number of persons entitled to vote in each constituency (IG 3:6).

The electoral system is proportional. But there is a voting threshold in the system. Only a party that obtains at least four per cent of the national vote is entitled to take part in the distribution of seats. This threshold can, however, be crossed by a party that obtains at least twelve per cent of the votes in a single constituency. The party can take part in the distribution of seats in the constituency concerned, but not in the distribution of the adjustment seats which ensure that the total number of seats is distributed in proportion to the votes polled by the parties in the whole country (IG 3:7). Four per cent of the votes polled in the whole country corresponds to an allocation of fourteen seats.

The method used to distribute the seats between the parties is the adjusted odd-number method. In the allocation of the fixed seats within a constituency, the parties compete with each other on the basis of a comparative index. This is calculated by dividing a party's votes by a factor equal to twice the number of seats obtained increased by 1, that is by 3, 5, 7 etc, i.e. always an odd number, hence the name. The method is adjusted, however, in the sense that in the competition for the first seat, and as long as a party has not been allocated any seats, the comparative index is equal to the number of the party's votes divided by 1.2. This makes it more difficult for smaller parties in particular to obtain their first seat in a constituency. But this is compensated using the 39 adjustment seats. These are distributed among the parties in such a way that the total number of seats is proportional to the votes polled by the parties in the country as a whole. After this, the adjustment seats are allocated to individual constituencies according to each party's comparative index in each of the constituencies (IG 3:8 and Elections Act 14:3–5).

For each seat obtained by a party, one member of the Riksdag is selected from that party (IG 3:9). First, seats are allocated to candidates receiving personal preference votes amounting to not less than 5 per cent of the party's vote in the constituency concerned. Seats are allocated to candidates

on the basis of the number of personal preference votes they obtain. If no candidate or an insufficient number of candidates should obtain enough personal preference votes, seats are allocated to candidates in the order in which they are listed on the party's ballot slip, if there is only one type of ballot slip. If a party uses more than one ballot slip in a constituency, the procedure is more complicated (Elections Act 14:9–10).

Ordinary elections to the Riksdag are held every four years on the second Sunday in September (IG 3:3 and Elections Act 1:3). The Government can call an extraordinary election between ordinary elections, but not in the first three months after a newly-elected Riksdag first convenes (IG 3:11). These electoral mandates are valid only for the remainder of the electoral period. Unlike other countries, Sweden does not permit a new, complete electoral period to follow an extraordinary election. The institution of extraordinary elections a blunt instrument has not yet been used under the current Instrument of Government.

Members have alternates (IG 3:2). In principle, the number of alternates appointed for each member is the same as the number of seats a party obtains in a constituency, but no fewer than three. The alternates are thus appointed for a group, and not for individuals. A member who is the Speaker of the Riksdag or a government minister is debarred from exercising his or her mandate as a member, and is invariably replaced by an alternate (IG 4:13). The same applies if a member is on leave of absence for at least one month (RA 5:3).

An appeal against an election to the Riksdag may be lodged with an Elections Review Board appointed by the Riksdag (IG 3:12). The chair of the Board must be a practising or retired permanent salaried judge and may not be a member of the Riksdag. Elected members of the Riksdag are to perform their duties even if an appeal has been lodged against their election. Should the result of the election be changed on appeal, the affected seats will be taken by new members as soon as the change has been officially communicated.

More detailed provisions on elections to the Riksdag may be found in the Elections Act (SFS 2005:837) and the Elections Ordinance (2005:874).

Members of the Riksdag are remunerated for their duties and also enjoy other financial benefits such as an old-age pension and a guaranteed income (RA 5:2).

During their period of office, neither members of the Riksdag nor alternate members may leave their duties without the approval of the Riksdag (IG 4:11). If, by perpetrating a crime, a member of the Riksdag is manifestly unfit for office, the member may be dismissed through a court decision.

Members of the Riksdag enjoy a certain degree of protection against prosecution. Charges may not be brought on the basis of declarations of opinion or acts taking place in the exercise of a member's duties, unless the Riksdag approves such a procedure with a five-sixths majority (IG 4:12).

The work of the Riksdag and its working procedures are discussed in the section dealing with the Riksdag Act (RA) below.

The Head of State

Sweden is a monarchy and therefore has a King or Queen as Head of State. Succession to the throne is regulated in the Act of Succession. The Head of State must be a Swedish citizen and must be at least 18 years of age (IG 5:2).

The Head of State has no political power. The duties of the Head of State are representational and ceremonial. The Head of State is to be kept well-informed about domestic and foreign affairs by the Prime Minister IG 5:3). Special Councils of State chaired by the Head of State may also be arranged for this purpose. The Head of State shall consult the Prime Minister before undertaking travel abroad.

The Head of State also presides over the special Council of State at which Government changes hands (IG 6:6). He or she opens Parliament (RA 3:6) and presides over meetings of the Advisory Council on Foreign Affairs (IG 10:12, paragraph two).

Under rules of international law, the ambassadors of other countries are received by the Head of State, and he or she signs letters authorising Swedish ambassadors to represent Sweden in other countries.

If the King or Queen is unable to perform his or her duties, the member of the royal family who is next in succession assumes the position of temporary regent and performs the duties of the Head of State (IG 5:4).

The Government

The Government consists of the Prime Minister and other ministers. Government ministers are appointed by the Prime Minister (IG 6:1). There is a lower limit for the number of ministers: at least five ministers must take part in government meetings (IG 7:4). There is no upper limit. To be appointed a minister, it is necessary to be a Swedish citizen. Ministers may not have any other paid employment. Nor may they hold any appointment or pursue any activity which may impair public confidence in them (IG 6:2). The Prime Minister usually appoints one of the other members of the Government to act in his or her place if necessary, a position known as Deputy Prime Minister (IG 6:10).

Formation of the Government, etc.

If the Prime Minister resigns or dies, it is the Speaker's duty to present a proposal for a new Prime Minister to the Riksdag. Prior to this, the Speaker must consult the representatives of the various party groups and confer with the Deputy Speakers. If more than half, that is to say at least 175 members of the Riksdag, vote against the proposal, it is rejected. Otherwise it is adopted (IG 6:4). Members who abstain are considered to have accepted the Speaker's proposal. If the proposal is rejected, the Speaker must repeat the procedure with the same or another proposal, but if the Speaker's proposal is rejected four times, the process is abandoned until a new election has been held. If no ordinary election is due to be held within three months, an extraordinary election must be held within the same period (IG 6:5).

If the Government resigns following an election, the Speaker of the new Riksdag proposes a new Prime Minister. The Speaker of the new

Riksdag also leads the interview rounds with the party representatives. When the rules were drawn up, it was assumed that the Speaker of the old Riksdag would be able to participate in the initial stages of the process by accepting the resignation of the outgoing Prime Minister and initiating the negotiations. This has also been the case in practice.

After every election which does not immediately lead to the Prime Minister's resignation, the Riksdag must determine whether the Prime Minister has sufficient support in the Riksdag. A decision must be taken not later than two weeks after the Riksdag assembles. If more than half the members of the Riksdag vote no, the Prime Minister is to be discharged (IG 6:3).

If the Riksdag declares that the Prime Minister or any government minister does not have the confidence of the Riksdag, the Speaker is to discharge them. Such a declaration requires the votes of more than half the members of the Riksdag (IG 6:7 and 13:4).

The resignation of the Prime Minister may be due to the result of a vote on a Prime Minister after an election, a vote of no confidence, or at his or her own request. In all cases it entails the departure of the whole Government. The same applies if the Prime Minister dies (IG 6:9).

A government minister may resign following a vote of no confidence or at his or her own request. The Prime Minister may discharge a government minister (IG 6:8). If the whole Government resigns, it remains as a caretaker government until a new Government is in place (IG 6:11). The only formal restriction applying to a caretaker government under the Instrument of Government is that it is not empowered to call an extraordinary election (IG 3:11). Furthermore, the scope of action of a caretaker government has not been considered to extend to the introduction of constitutional provisions (government bill 1973:90 p. 282). According to the practice that has developed, a caretaker government should, as a rule only make decisions in routine or urgent matters. However, the longer a caretaker government is in office, the more matters it may have to determine.

The work of the Government

There are two main types of government business, matters of governance and administrative matters. The Government governs the country by determining matters of governance. Such matters are often political in nature, such as bills for consideration by the Riksdag, and agreements with other countries. Administrative matters primarily concern appointments and appeals against decisions by authorities under the Government. Government offices shall exist for the preparation of government business. The Government Offices are also to assist the Government and government ministers in their other activities. The Government Offices include ministries for different areas of activity. The Government distributes business between the ministries, but the Prime Minister appoints the heads of ministries from among the government ministers (IG 7:1). At a Government meeting, the head of a ministry presents business belonging to his or her ministry. The Prime Minister can also decide that a matter or a group of matters which fall under a certain ministry should be dealt with by another government

minister than the head of this ministry (IG 7:5). In addition, a ministry may have other ministers. A minister may also deal with matters falling under several ministries. In addition, the Prime Minister has a secretariat which is known as the Prime Minister's Office. Since 1997, the Government Offices constitute a single public authority headed by the Prime Minister.

As regards the preparation of government business, all that is provided is that necessary information and opinions shall be obtained from the public authorities and local authorities concerned, and that organisations and individuals are to have the opportunity to express an opinion as necessary (IG 7:2).

Decision-making within the Government is collective. Government business is settled by the Government at government meetings (IG 7:3). Decision-making procedures at government meetings are not regulated, nor are there any rules about voting.

Government meetings are the final stage in an often lengthy chain of internal deliberation and preparatory work of different kinds, in which the Government almost always reaches consensus. There is, however, a right to register a dissenting opinion (IG 7:6). Government meetings have been characterised as meetings of a purely formal nature for the record.

The strength of the position in the Government occupied by the Prime Minister under the Instrument of Government is remarkable. The Prime Minister alone appoints government ministers and allocates responsibilities among them. A Prime Minister who so wishes may discharge a government minister. If the Prime Minister resigns, the whole Government falls.

Acts of law and other regulations

Bodies able to decide on provisions

Provisions are adopted by the Riksdag by means of an act of law (IG 8:1). The Riksdag is the sole legislator. The Government may also adopt general provisions which take the form of ordinances. Central government administrative authorities and local authorities and their agencies may also adopt provisions, but only with Riksdag or Government authorisation. Authorisation to adopt provisions shall always be laid down in an act of law or an ordinance.

Provisions at different levels

The fundamental laws constitute the highest level of provisions. The fundamental laws are enacted by means of two identically worded decisions, with a general election intervening (IG 8:14). A referendum on a proposal to amend a fundamental law must be organised if at least one third of the members of the Riksdag, that is not less than 117 members, support the proposal to hold a referendum. The referendum must be held on the same day as the Riksdag election preceding the second decision. If a majority of those taking part in the referendum vote against the proposed amendment, and if these exceed in number half of those registering valid votes in the Riksdag election, the proposed amendment is rejected. If not, the Riksdag's consideration of the proposal goes ahead, and the Riksdag

is free either to adopt or reject it (IG 8:16). No referendum on a matter of fundamental law has yet been held.

Immediately below the level of fundamental law come the main provisions of the Riksdag Act. These are amended in the same way as the fundamental laws, that is, by means of two Riksdag decisions with a general election intervening, but without the option of a binding referendum. This procedure may however be replaced by a single decision adopted by a qualified majority of at least three fourths of those voting and more than half the total members of the Riksdag. Laws concerning religious communities and the principles on which the Church of Sweden as a religious community is based are amended in the same way as the Riksdag Act (IG 8:17).

The next level consists of provisions which can only be approved by the Riksdag, namely mandatory law. The largest group comprises provisions of law relating to the personal status of individuals and their mutual personal and economic relations, that is, civil law in its entirety (IG 8:2, paragraph one, point 1). These include certain important provisions in public law of an onerous character for citizens, such as those regarding sanctions for crimes other than fines, taxes (with certain exceptions indicated below), and provisions on bankruptcy or enforcement (IG 8:2, paragraph one, point 2 and 8:3, paragraph one). In addition, the Riksdag must decide by law in relation to a number of other circumstances which are indicated in different parts of the Instrument of Government, e.g. copyright, elections at all levels, the judiciary, and division into local authorities.

The next level is the sphere of facultative law. The Instrument of Government permits the Riksdag to adopt laws authorising the Government to approve provisions, a procedure known as delegated legislation. This procedure can be applied in wide areas of public law, including local government law (IG 8:3). The Riksdag can also delegate legislative powers directly to local authorities in relation to charges and taxes intended to regulate traffic. This latter case entails an exception to the principle that taxes may only be decided by the Riksdag. This exception makes it possible for local authorities to impose parking fees and congestion charges (IG 8:9).

The Instrument of Government has little to say concerning the nature of the provisions the Government or local authorities may adopt following delegation. It was not found possible in the legislative history to draw any kind of general line in the Instrument of Government, other than that the matter should be resolved by the Riksdag on an ad hoc basis (government bill 1973:90 p. 209). In the case of less invasive rules, it should be possible for the Riksdag to grant relatively broad authorisation. In cases touching upon important citizens' interests, the Riksdag ought to indicate more precisely the limits within which the Government and local authorities are free to act. The Riksdag can demand that regulations adopted by the Government on the basis of an authorisation be referred to the Riksdag for examination (IG 8:6).

The Government also has a direct competence set out in the Instrument of Government primarily concerning provisions relating to

the implementation of laws, that is rules supplementing provisions of law, mainly at the administrative level (IG 8:7). Such provisions fall mainly in the sphere of administrative law, but may also occur in civil, criminal and procedural law.

A second group of regulations which the Government can decide on without special authorisation from the Riksdag consists of provisions which under fundamental law do not require a decision by the Riksdag. This is often referred to as the Government's 'residuary' competence. These provisions consist mainly of administrative regulations such as instructions for state authorities but also include, for example, provisions relating to charges, mainly voluntary charges not associated with a monopoly or the exercise of public authority.

The Instrument of Government also permits further delegation from the Government to administrative and local authorities in the form of sub-delegation. This means that the Government can transfer such competence to an administrative or local authority. This requires the Riksdag to have permitted such further transfer in the text of the law in question (IG 8:10). The Government can also authorise an administrative agency to issue a provision in both the areas in which the Government has regulatory competence directly based on the Instrument of Government (IG 8:11).

An important matter of principle is that the Riksdag's regulatory competence is always superior, inasmuch as government competence to adopt provisions in a particular matter does not preclude the Riksdag from adopting provisions in the same matter in an act of law (IG 8:8).

The principle of formal validity

A cornerstone of the Instrument of Government's regulation of rule-making competence is the rule concerning formal validity (IG 8:18). A measure once adopted as law can only be amended or abrogated by means of another act of law. The same principle applies to the fundamental laws, the Riksdag Act, and the above-mentioned provisions concerning religious communities. The same formal requirements apply here as when the law was made. A government ordinance can of course be amended or abrogated by means of another ordinance. The same applies to provisions adopted by public authorities. In the case of provisions adopted by the Government and public authorities, however, the rule referred to above concerning the superior competence of the Riksdag applies. The Riksdag is always free to intervene by abrogating or amending a provision by means of an act of law. The Government is similarly able to abrogate or amend provisions adopted by central government administrative authorities.

The Council on Legislation

The Government is obliged to refer items of draft legislation in most legislative areas to the Council on Legislation which consists of members from the Supreme Court and the Supreme Administrative Court (IG 8:20–21). Exceptions can be made for draft legislation where examination by the Council on Legislation would lack significance due to

the nature of the matter or where it would delay the legislative process so as to cause considerable detriment.

The Council on Legislation is organised in divisions. Each division is normally made up of three members, at least one of whom shall be drawn from each court. The Council's task is to examine the conformity of legislative proposals with the Constitution and with the legal system as a whole (IG 8:22). The Council must also ensure that the principles of the rule of law are upheld in legislation and that legislative proposals satisfy the stated objectives and can work in practice.

The various committees of the Riksdag shall also obtain the opinion of the Council on Legislation. This may be appropriate when a committee is considering whether to propose an amendment to a government bill or when a committee raises a question of law not previously raised by the Government, either in response to a private member's motion or on its own initiative. It sometimes happens that a committee obtains a statement of opinion when it does not share the Government's view that the opinion of the Council on Legislation is not needed.

Examination by the Council on Legislation constitutes an important check on the legislative process, not least with respect to the compatibility of draft legislation with fundamental law. However, the Council on Legislation is consultative, not decision-making. The Government and, in the final instance, the Riksdag may choose to ignore its advice.

Financial power

Financial power, that is the right to control central government revenue and expenditure, is a key function of central government. The possessor of this power holds an instrument for distributing income and resources in society, which may be used for economic, fiscal, regional or general welfare purposes.

In Sweden this power is vested in the Riksdag. The introductory chapter of the Instrument of Government states that the Riksdag shall determine taxes and decide how central government funding shall be used. The wording expresses the traditional separation of financial power into two functions: taxation and budget decisions. Budget decisions involve calculating central government revenue and determining appropriations (IG 9:3 paragraph one).

As has already been pointed out, decisions concerning taxes take the form of law. Onerous charges are also approved by the Riksdag in the form of law, but these decisions may be delegated to the Government or local authorities (IG 8:3, paragraph one and 8:9, paragraph one, point 1). Others are approved by the Government by ordinance. Decisions concerning taxes and charges or contributions are thus kept separate from the budget process. In actual fact, however, they are closely linked. Calculating central government revenue forms part of the budget process. Revenue requirements have to be judged against expenditure requirements and the possibility of borrowing. The Government may not take loans or otherwise assume financial obligations on behalf of central government without authority from the Riksdag (IG 9:8, paragraph two).

The Riksdag also decides how central government revenue is used. It does this by allocating appropriations for specific purposes. These appropriations are set out in the central government budget. The Riksdag may also decide to allocate funds for specific purposes by means other than appropriations (IG 9:3). This is referred to as special dedication.

The budget period is one year, and corresponds to the calendar year. The Riksdag may, however, approve guidelines for central government activities extending beyond the coming budget period (IG 9:6).

The Spring Fiscal Policy Bill, which is submitted annually no later than 15 April, draws up the guidelines for future economic and budget policy (RA 9.5.2). The Government's budget proposal, the Budget Bill, must be submitted no later than 20 September. If there is an election in September, it must be submitted no later than two weeks after the opening of the Riksdag session. In the event of a change of Government, the Budget Bill must be submitted within three weeks from the date on which the new Government takes office, but no later than 15 November (RA 9.5.1). To integrate its consideration of the budget, the Riksdag uses the framework decision model. It works as follows. The Government's Budget Bill contains proposals regarding the allocation of expenditure to 27 expenditure areas, as well as an estimate of revenue (RA 9:5). On the basis of a proposal from the Committee on Finance, the Riksdag makes a decision which establishes the estimated revenue in the central government budget as well as the maximum amount for appropriations in each expenditure area (expenditure limit). This decision is made around 20 November, except in an election year. After this, a decision is made regarding the distribution of appropriations within each expenditure area. The sum total of appropriations within an expenditure area may not exceed the expenditure limit (RA 11:18).

Central government assets are at the disposal of and are administered by the Government (IG 9:8, paragraph one), but these assets may not be used in any way not approved by the Riksdag (IG 9:7). This does not, however, mean that an appropriation must be disbursed fully or in part. This is a matter for the Government to decide in light of its accountability to Parliament.

After the end of the budget year, the Government must present an annual report for the central government to the Riksdag (IG 9:10).

The Riksbank is the central bank of Sweden and an authority under the Riksdag. It is responsible for monetary policy, but responsibility for general currency policy matters rests with the Government (IG 9:12–13). This means, for instance, that the Riksbank is responsible for drafting and implementing monetary policy, implementing foreign exchange interventions, keeping and managing a foreign currency reserve, and promoting a smoothly functioning payments system. No public authority may determine how the Riksbank shall decide in matters for which it is responsible (IG 9:15). Nor may the Riksbank request or receive instructions from anyone within these areas of responsibility. The Riksbank alone has the right to issue banknotes and coins (IG 9:14). To exercise scrutiny and control over the Riksbank, the Riksdag elects a General Council of the Riksbank consisting of eleven members (IG 9:16). In addition, the Riksdag

Committee on Finance follows up and evaluates the Riksbank's activities (RA 7:9). The Riksbank is under the direction of an Executive Board appointed by the General Council. The Executive Board consists of five members, and the General Council elects a Governor of the Riksbank from among these members. The Riksdag examines whether the members of the General Council and the Executive Board shall be granted discharge from liability (IG 9:16).

Agreements with other states or international organisations

Agreements with other states or with international organisations are concluded by the Government (IG 10:1). The Riksdag is guaranteed influence in important international agreements, however.

All agreements that require a Riksdag decision in order to be implemented must be approved by the Riksdag (IG 10:3–4). The Government must also obtain the approval of the Riksdag in regard to other important agreements. In such cases, however – if it is in the interest of the country – Riksdag approval may be replaced by consultation with the all-party Advisory Council on Foreign Affairs.

The Government is obliged to keep the Advisory Council on Foreign Affairs continuously informed of matters relating to foreign relations which may be of significance for the country, and to confer with the Council on such matters as required. The Government is also obliged, if possible, to confer with the Council on all foreign policy matters of major significance before making its decision (IG 10:11).

The Council is chaired by the Head of State (IG 10:12). In the absence of the Head of State, the Prime Minister steps in as chair. The Speaker is a member ex officio, and the Council is made up of a further nine proportionally elected members of the Riksdag (IG 10:12).

In Sweden, functions of public law such as legislation may only be performed by bodies whose competence has direct support in fundamental law or is authorised by virtue of fundamental law. A general precondition for this is that the decision-making body is national.

Among other things, the above means that for Sweden the provisions of international agreements are limited in validity to Sweden as a state. If Sweden makes an undertaking under such an agreement, it is not binding on Swedish citizens until it has been incorporated in Swedish law by the decision of a competent Swedish body. This can be done in various ways, for example by rewriting the agreement as a Swedish statute, or by promulgating the text of the agreement in Swedish translation or, more rarely, in the foreign original, as Swedish statute.

Transfer of decision-making authority to a foreign or international body presupposes explicit support in fundamental law. Transfer of decision-making authority to a foreign or international body presupposes explicit support in fundamental law. In the case of other transfers of authority, decision-making authority directly based on the Instrument of Government may be transferred only to a limited extent if they concern decisions laying down provisions of law, the use of state assets, judicial or administrative functions, or the conclusion or denunciation of international agreements

or obligations. Certain of them may not be transferred at all. This applies to decisions on the fundamental laws, the Riksdag Act, the Elections Act and laws on limiting one of the rights and freedoms under Chapter 2 of the Instrument of Government (IG 10:7).

Judicial or administrative functions which are not directly based on the Instrument of Government may be transferred, not only to international bodies but also to another state or a foreign or international institution or community (IG 10:8). This concerns such matters as cooperation with neighbouring countries on customs control, correctional care, etc.

Decisions on transferring such authority can be made by the Riksdag if not less than three quarters of those voting, and more than half the total membership vote for the decision. Otherwise decisions can be made in accordance with the rules for amending fundamental law, that is by means of two Riksdag decisions with an election intervening, with the option of a binding referendum if at least one third of the members of the Riksdag vote in favour of this.

The Riksdag can decide that future amendments to an international agreement that have been incorporated into Swedish law may automatically apply in Sweden. A provision in the Instrument of Government makes this possible. One requirement is that the future amendment shall be of limited extent. Such a decision is made in accordance with the rules applying to other transfers of decision-making authority (IG 10:9).

Sweden and the EU

When Sweden applied to join the European Union (EU) it was clear from the start that the regulations then applying to the international transfer of decision-making authority did not permit a transfer of authority as wide-reaching as that required for accession. An essential feature of the EU is that Union bodies in the areas to which the transfer of decision-making authority applies shall be able to make provisions taking immediate and direct effect in member states. Such rules shall supersede member states' own provisions, insofar as the wording of these provisions conflicts with EU rules.

This was resolved by implementing an amendment of the Instrument of Government exclusively geared to the EU. One reason for this was an unwillingness to open the door for such far-reaching transfers of authority to other international bodies.

Two important conditions for transfer of authority in the framework of EU cooperation are included in fundamental law (IG 10:6, paragraph one). The first is that the transfer may not relate to competence affecting the basic principles by which Sweden is governed. This is based on the declaration made by the Committee on the Constitution upon the introduction of the provision. The Committee on the Constitution emphasised that the position of the Riksdag as the principal central government body must not be undermined to any significant degree by any transfer of legislative powers (committee report 1993/94:KU21 p. 27 f.). The Committee also noted the importance of the free formation of opinion for the Swedish form of government and the important role played in this connection by the principle of public access to official documents and of the freedom to

communicate information. The second condition is that the Union should have safeguards for rights and freedoms corresponding to those enshrined in the Instrument of Government and the European Convention for the Protection of Human Rights and Fundamental Freedoms. This regulation in the fundamental law is based on the precondition that the EU's law-making bodies may not assume any competence beyond that granted them by the member states in accession treaties and in subsequent treaties.

For the Riksdag to be able to transfer decision-making authority within the framework of EU cooperation, the same kind of qualified majority is required as for other transfers of power. Not less than three quarters of those voting, and more than half the total members of the Riksdag, must support the decision. Alternatively, the decisions may be made in the same way as a decision affecting fundamental law, that is to say with two identical decisions with a Riksdag election intervening (IG 10:6, paragraph two).

There is a further special provision addressing cooperation in the EU, according to which the Riksdag can approve an agreement within the framework of this cooperation even if the agreement has not been finalised (IG 10:4).

The Instrument of Government states that the Government has an obligation to inform and consult the Riksdag in EU matters (IG 10:10). For this consultation, following the example of Denmark, Sweden has established a Committee on European Union Affairs elected from within the Riksdag (see RA 7:3, 14). The idea is that government ministers inform the committee members and solicit their points of view prior to meetings of the Council of Ministers. Proposals that the Committee should be empowered to issue binding instructions for Swedish action in the Council have been rejected by the Riksdag. On the other hand, according to the Committee on the Constitution, it is possible to assume that the Government will not represent a view which conflicts with a view expressed by the Committee (committee report 1994/95:KU22 p. 15). Actual practice has developed in such a way that it is not considered enough for the Government not to take any action which conflicts with the views of the Committee on EU Affairs, but that it should rather act in accordance with the advice and views of the Committee (report 2000/01:RS1 p. 137). The Riksdag committees shall also monitor the work of the European Union in their respective fields. The Government has an obligation to deliberate with the Riksdag committees on EU matters decided by the committees (RO 7:12, 13). The committees also deliver statements to the Chamber on certain EU documents (RO 9:20).

In the Lisbon Treaty of 2009, national parliaments were tasked with scrutinising proposals for legislation within the EU to ensure that they do not conflict with the principle of subsidiarity, that is the principle that, in the areas in which it shares decision-making authority with the member states, the Union may only take action if, and insofar as, the objectives of the proposed action cannot adequately be achieved by the member states. If the Riksdag considers that a proposal conflicts with the principle of subsidiarity, it submits a reasoned opinion to the Commission, the Council and the European Parliament (RA 9:20; 11:21). If a large enough number of parliaments in the member states reach the same conclusion, the draft legislative act shall be reviewed.

Administration of justice and public administration

The independence of the judiciary and public administration

The Instrument of Government's regulation of the judiciary and public administration, which now comprises two chapters, namely Chapters 11 and 12, is comparatively brief. The organisation of the courts, however, is described in greater detail (IG 11:1 paragraph one) than the administrative authorities which are answerable to the Government (IG 12:1). In the latter case, only the Chancellor of Justice is mentioned by name. It is also stated that provisions relating to the judicial tasks of the courts, the main features of their organisation and legal proceedings in respects other than those covered in the Instrument of Government are laid down in law (IG 11:2).

Certain provisions of the Instrument of Government are principally intended to support and protect the independence of the judiciary and the administrative authorities. The Riksdag may not perform any judicial or administrative tasks except to the extent laid down in fundamental law or in the Riksdag Act (IG 11:4 and 12:3). In addition, neither the Riksdag nor the Government nor any public authority may intervene in court decisions regarding particular cases (IG 11:3). Nor may the Riksdag, the Government, or the decision-making body of a local authority or any authority decide how administrative authorities settle matters regarding the exercise of public authority in relation to individuals or local authorities, or regarding the application of law (IG 12:2). Outside the area covered by this provision, administrative authorities under the Government have a general duty of obedience towards the Government (IG 12:1).

Permanent salaried judges enjoy an independent status guaranteed by the procedures used to appoint or dismiss them. The Government appoints judges and this right cannot be delegated (IG 11:6). The appointment of judges is to be prepared by an independent board consisting of five permanent salaried judges, two lawyers active outside the judiciary and two representatives of the general public selected by the Riksdag. The Government is not bound by the board's proposal, but if the Government wishes to appoint a different candidate it must first permit the board to communicate its views. Permanent salaried judges can only be removed from their posts if they have shown themselves manifestly unfit for such an appointment by reason of criminal activity or gross or repeated neglect of their duties. Permanent salaried judges can also be removed from office if they have reached the age of retirement currently in force or are obliged to resign due to long-term loss of the capacity to work (IG 11:7).

When making official appointments, both in courts of law and in other authorities, the principle applies that attention should be directed only to objective factors such as merit and competence (IG 11:6, paragraph two and 12:5, paragraph two). 'Merit' refers to familiarity with the requirements of the position acquired over time, and is usually measured in years of service. 'Competence' refers to general and special understanding of importance for the position. Today, competence should be the principal ground for appointment unless there is reason to employ other grounds.

Extraordinary legal institutions

Chapters 11 and 12 of the Instrument of Government also contain provisions concerning certain extraordinary legal institutions, namely reopening of closed cases, restoration of lapsed time, dispensations, and the exercise of clemency and remission. The rules relating to reopening of closed cases and restoration of lapsed time confine themselves to setting out which bodies are competent to take decisions in these matters (IG 11:13). Dispensation relates to the possibility of making exceptions of a favourable nature from a statutory provision in a particular case. The Government may permit such an exception from a provision of an ordinance or from a rule adopted by virtue of a government decision (IG 12:8). By exercising clemency, the Government may 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 an individual's person or property (IG 12:9, paragraph one). Closely related to the exercise of clemency is the Government's right to approve a remission, that is, to order that no further action shall be taken to investigate or prosecute a criminal act (IG 12:9, paragraph two). The right of remission can be exercised only where exceptional grounds exist.

Judicial review

An important constitutional task of the courts and other public bodies charged with administering justice is to determine whether elected political bodies have exceeded the limits which the fundamental laws have laid down regarding the adoption of provisions. In applying a provision, these bodies must check that it is not in conflict with a provision of fundamental law or another superior statute and that statutory procedure has been complied with in all essential respects in the creation of the regulation. If this is not the case, the provision may not be applied. This procedure is known as a judicial review (or norm assessment) and is to be implemented in the same way regardless of whether the Riksdag, the Government or a public authority adopted the provision. However, according to the provisions on judicial review, it must be taken into special consideration that the Riksdag is the foremost representative of the people and that fundamental law takes precedence over other law (IG 11:14 and 12:10). Only the parties to the matter at hand are formally covered by the decision resulting from the review. A decision, for example, by a court not to apply a specific provision on the grounds that it conflicts with a provision of fundamental law does not mean that the provision is annulled or otherwise limited. If the decision has been made by a supreme court, however, this means, in practice, that the provision in question – fully or partially – loses its legal significance owing to the precedential value of the decision. It is not possible to bring legal proceedings solely with the aim of having a specific statute declared invalid on the grounds that it conflicts with fundamental law (abstract judicial review or abstract norm assessment).

Parliamentary control

The everyday business of the Riksdag with legislative, budgetary and organisational matters in itself constitutes a form of control of public activities. For its consideration, every matter presupposes an assessment of prevailing conditions and, more often than not, an examination of former activities in the particular area in question. The committees have an important task in this respect. In addition, the Constitution now affirms that the Riksdag committees have the task of following up and evaluating Riksdag decisions in their respective subject areas (IG 4:8).

The rules concerning the obligation of the Government to resign are an essential element of parliamentary control. These are designed in such a way that the Riksdag can declare that a minister no longer enjoys the confidence of Parliament (IG 13:4). A minister who is the object of a declaration of no confidence must be discharged (IG 6:7). If the declaration of no confidence is directed against the Prime Minister, all ministers must be discharged (IG 6:9). The decision to discharge a minister in a case of a declaration of no confidence lies with the Speaker.

The obligation to resign is however limited in two respects.

First, the Speaker's decision must, as a rule, be held over for one week from the date of the declaration of no confidence, during which period the Government may nullify the effect of the declaration by calling an extraordinary election. The Government enjoys this right, regardless of whether the declaration of no confidence concerns a government minister or the Prime Minister. This respite rule naturally applies only in cases in which the Government is permitted to call an extraordinary election.

Second, if the whole of the Government has been discharged, ministers remain in office until a new Government takes over, in which case the old Government becomes a caretaker Government (IG 6:11).

A vote on a declaration of no confidence follows a special procedure. A motion to this effect must be put forward by at least one tenth of the members of the Riksdag, that is, by at least 35 members (IG 13:4). The motion is not to be prepared in committee. To be approved, a declaration of no confidence must have the support of an absolute majority of all members, that is, at least 175 members. The Riksdag has voted on a declaration of no confidence thirteen times. On one of these occasions, the Riksdag voted in favour of a declaration of no confidence. On 21 June 2021, the Riksdag voted in favour of a call for a declaration of no confidence in the then Prime Minister Stefan Löfven (Social Democratic Party).

A vote on the Riksdag's confidence in the Government can be introduced without this procedure. The Government may announce, for example, that it intends to resign or call an extraordinary election if it is defeated in a vote on a particular issue, whether it be an act of law or some other matter. In such a case, the Government is said to have declared the matter a 'Cabinet issue'. Such a situation arose on 15 February 1990, when the Riksdag rejected a government proposal for a wage freeze and compulsory mediation. After the Government lost a vote on the central government budget on 3 December 2014, the Prime Minister announced that the Government intended to call an extraordinary election. Following

the 'December Agreement' between six of the Riksdag's eight parties, however, the Government decided to call off the extraordinary election.

An important aspect of parliamentary control consists of the examination of ministers' performance of their official duties and the handling of government business, which the Committee on the Constitution is to conduct and report to the Riksdag (IG 13:1–2). The underlying intention is that this scrutiny should be constitutional and administrative in character, rather than political. The purpose of the examination is to ensure that the ministers and the Government Offices have complied with existing rules and established practice in the performance of government business. The rules referred to here are primarily rules concerning procedures and competence in the Instrument of Government and the Riksdag Act.

The Committee on the Constitution is to issue a scrutiny report at least once a year. Today, this is done twice a year. In the autumn an account is given of the scrutiny of the administrative practice of the Government which is initiated by the Committee itself (general examination). The spring report is devoted to the cases reported for scrutiny by individual members of the Riksdag (special examination). This examination concerns the reported ministers' performance of their official duties. The spring report regularly forms the basis for a comprehensive debate in the Chamber.

The Committee on the Constitution has another constitutionally important control function, namely that of taking decisions to institute criminal proceedings against a minister (IG 13:3). In the performance of their duties, ministers are generally accountable under criminal law, but liability can be exacted only if they are deemed to have 'grossly' neglected their official duties. The case goes directly to the Supreme Court. The Committee on the Constitution can request the assistance of the Parliamentary Ombudsmen in the preliminary investigation, and the Parliamentary Ombudsmen also have the duty of instituting the criminal proceedings. No criminal charges have been brought against a minister since the current Instrument of Government came into force.

The parliamentary questions system, which covers parliamentary questions and interpellations (IG 13:5), is another feature of the parliamentary control system. Interpellations and questions from members are to be addressed to a minister and relate to the performance of the minister's official duties. The questions system is regulated in more detail in Chapter 8 of the Riksdag Act, which lays down that replies to interpellations are delivered orally by the ministers concerned, and are followed by a debate in which members other than the member submitting the interpellation may participate. Questions are submitted either in writing, in which case they are answered by ministers in writing, or orally at Question Time in the Chamber, when ministers answer them directly.

Certain parliamentary control functions are more indirect as far as the Riksdag is concerned and are conducted by elected, politically independent officials, namely, the four Parliamentary Ombudsmen and the Auditor General of the National Audit Office.

The Parliamentary Ombudsmen are elected for a period of six years, after which they may be re-elected for three years at a time. The Riksdag

may also elect one or more Deputy Ombudsmen for a period of two years. The Deputy Ombudsmen can also be re-elected. They supervise the application of laws and other regulations in public institutions (IG 13:6 and RA 13:2–4). Anyone may lodge complaints against an authority or agency to the Parliamentary Ombudsmen, but the Ombudsmen can also initiate investigations themselves. The Parliamentary Ombudsmen can criticise the handling of a matter by a court of law or an administrative authority. If a serious error is committed by a judge or an official during the exercise of their duties, they may be prosecuted by the Ombudsmen. The Office of Ombudsman has served as a model for similar watchdog institutions in many other countries.

The task of the National Audit Office is to examine central government activities, but it may also be assigned to audit other activities (IG 13:7). In 2020, changes were introduced to its management structure. The National Audit Office was previously under the direction of three Auditors General, but since 1 April 2020 the authority has been under the direction of just one Auditor General who heads the authority. The Auditor General is appointed by the Riksdag. In addition, the Riksdag appoints a Deputy Auditor General. An Auditor General is elected by the Riksdag for a period of seven years, without the possibility of re-election (IG 13:8, RA 13:6). The Auditor General decides independently what to audit, how to conduct audits and what conclusions to draw (IG 13:8). The reports for the performance audit are presented to the Riksdag (RA 9:18). In response to each such audit report, the Government presents the measures it intends to take in a written communication to the Riksdag. The communication becomes an item of parliamentary business, with the ensuing right to submit private members' motions, committee report and a decision in the Chamber (RA 9:19).

Local authorities

The principles of democracy shall also be applied in local government. Decision-making powers in local authorities are therefore exercised by elected assemblies (IG 14:1).

Local self-government may be defined as a principle whereby local authorities themselves shall decide local and regional matters of public interest. The nature of these matters is laid down in law. Other matters which local authorities are responsible for on the principle of local self-government are also laid down in law (IG 14:2).

Local self-government can be restricted but in such cases a principle of proportionality is to be applied. This means that restrictions should not exceed what is necessary with respect to the purpose of the restrictions (IG 14:3). If there are different ways of attaining the same objectives, the Riksdag should respect the principle of local self-government and choose the manner of regulation which least affects local government decision-making powers.

Local self-government presupposes that local authorities dispose of financial resources. The right of local authorities to raise taxes has therefore been considered so indispensable that it is affirmed in the Constitution (IG 14:4).

The constitutionality of tax equalisation between local authorities has previously been a matter of contention. As of 2010, the Instrument of Government explicitly states that local authorities may be obliged in law to contribute to the costs of other local authorities on condition that the measure is necessary to achieve equitable financial preconditions in local authorities (IG 14:5).

War and the danger of war

In time of war and danger of war, it may be necessary for the Riksdag and the Government to act speedily to resolve upcoming problems. The Instrument of Government provides certain opportunities for intervening in this manner, mainly in the form of transferring constitutional powers from the Riksdag to the Government (see for example IG 8:3–4). When this is not possible, there are other solutions. There has been discussion about the feasibility of amending the Constitution by means of a single decision supported by a qualified majority (government bill 1948:230). Another possibility is to act without explicit support in the Constitution applying constitutional right of necessity (jus necessitatis) to transfer a greater or lesser degree of the Riksdag's competence to the Government.

These solutions were rejected. Hasty decisions to amend fundamental law would involve a risk of pressure from abroad and could lead to ill-considered positions being adopted. If, on the other hand, constitutional jus necessitatis is invoked, there is a risk that the decisions in question will not be respected as legitimate. It may, furthermore, make it easier for treasonous groups to seize power.

It was decided instead to create constitutional rules in peacetime which, as far as possible, enable public bodies to act within the Constitution even in crisis situations. Rules of this kind are collected in Chapter 15 of the Instrument of Government.

Should the country find itself at war or exposed to the danger of war, a meeting of the Riksdag must be convened (IG 15:1). The Riksdag's decision-making competence may however be transferred to a proportionally composed War Delegation (IG 15:2–3). This consists of the Speaker and fifty other members of the Riksdag (RA 13:11). The Delegation has wide-ranging powers and is empowered to function in exile, that is outside Sweden's borders.

If both the Riksdag and the War Delegation are unable to carry out their duties in time of war, the Government is empowered to assume the powers and responsibilities of the Riksdag to the extent that is necessary to protect the country and bring hostilities to a close. The Government is then enabled to act in exile as both legislature and executive. Only the fundamental laws, the Riksdag Act and the Elections Act are excluded from its decision-making competence (IG 15:5).

Tasks which are normally the responsibility of the Government may, to a great extent, be delegated to subordinate authorities. The Instrument of Government also permits certain special arrangements in respect of the local authorities (IG 15:12).

The Instrument of Government contains a basic principle regarding the conduct of Swedish public bodies in occupied territory. They are 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 country any obligation to render assistance to the occupying power. Elections to the Riksdag and to decision-making local government assemblies may not be held in occupied territory. Neither the Riksdag, the Government nor the War Delegation may take decisions in occupied territory (IG 15:3, 9). The Instrument of Government in general prohibits members of the Riksdag and ministers from exercising in occupied territory any of the powers otherwise vested in them.

If the country is at war, the Head of State should accompany the Government (IG 15:10). If the Head of State is in occupied territory or separated from the Government, he or she is debarred from exercising any of the functions of Head of State.

The chapter also contains rules adapted to the current security policy situation and the circumstance that Swedish armed forces participate in peacekeeping forces and other international assignments. In close accordance with the Charter of the United Nations and international law, the Government has the right to deploy Swedish armed forces to meet an armed attack on Sweden or to prevent a violation of Sweden's territory. To prevent any violation of its territory in peacetime or during a war between foreign states, the Government may authorise the Swedish armed forces to use force in accordance with international law (IG 15:13). On the other hand, the approval of the Riksdag is required to send Swedish armed forces to other countries or otherwise deploy such forces (IG 15:16).

The Act of Succession

The Act of Succession, which is one of Sweden's fundamental laws, contains provisions on the order in which male and female descendants of King Carl XVI Gustaf succeed to the throne. The Act of Succession was adopted in 1810 after Marshal of France Jean Baptiste Bernadotte was elected Crown Prince of Sweden.

Sweden now has full cognatic succession to the throne (AS 1). This means that both male and female descendants of Carl XVI Gustaf have the right to succeed to the throne. Older siblings and the descendants of older siblings take priority over younger siblings and the descendants of younger siblings.

In accordance with the Article 2 of the Instrument of Government of 1809, the King should 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. Article 4 of the Act of Succession refers to this provision from the 1809 Instrument of Government. It further follows in this provision that 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.

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 (AS 5). Should a prince or princess marry without such consent, that prince or princess forfeits the right of succession for him- or herself, his or her children and their descendants.

The heir to the throne may not undertake travel abroad without the knowledge and consent of the King (AS 7).

The Riksdag Act

Chapter 4 of the Instrument of Government contains certain fundamental provisions concerning the work and working procedures of the Riksdag. The most important provisions in other respects are to be found in the main provisions of the Riksdag Act, with more detailed rules in the supplementary provisions. Amendment of the main provisions is effected either by means of a single decision with a qualified majority or using the same procedure as in the case of fundamental law, but without the option of a referendum. Supplementary provisions are amended in the same way as ordinary law.

The present Riksdag Act came into force on 1 September 2014. The new Riksdag Act primarily consists of an editorial and linguistic review of the Riksdag Act of 1974 with the purpose of making it more consistent and comprehensible. Some changes to the contents were also made. The new Riksdag Act has a total of 14 chapters.

Elections and Riksdag sessions

Each year the Riksdag assembles for a Riksdag session (IG 4:1). Ordinary elections to the Riksdag are held every four years in September (IG 3:3, RA 2:2). After an election, whether ordinary or extraordinary, the Riksdag meets in session on the fifteenth day following election day, but no sooner than the fourth day after the result has been declared (IG 3:10). In a year in which there is no ordinary election, a new session starts on a date in September determined by the Riksdag at the preceding session (RA 3:8).

A Riksdag session is opened at a special meeting of the Chamber. At this meeting, at the request of the Speaker, the Head of State declares the session open. The Prime Minister then delivers a Statement of Government Policy, unless there are special grounds for not doing so, such as in the case of a change of government (RA 3:6). A Riksdag session continues until the start of the next session (RA 3:7).

Direction and planning of the work of the Riksdag

The Speaker, the foremost representative of the Riksdag, is elected for an entire electoral period (IG 4:2), that is, as a general rule, for four years. The Speaker is appointed at the first meeting of a new electoral period (RA 3:3). At the same time, the First, Second and Third Deputy Speakers are elected. The Speaker's functions are very important. He or she directs the work of the Riksdag (RA 4:2) and presides over the meetings of the Chamber

(RA 6:3). The Speaker may, however, delegate to a Deputy Speaker the task of presiding over a meeting. The Speaker's task of directing the work of the Riksdag primarily entails responsibility for planning this work. The Speaker chairs the meetings of the Chamber. The Speaker shall ensure that the rules of debate are observed and that motions raised do not conflict with fundamental law or with the Riksdag Act (RA 11:7). In debates in the Chamber, the Speaker is debarred from speaking on a matter under deliberation, and may not take part in votes (RA 6:6). The Speaker's duties as a member of the Riksdag are exercised by an alternate. The Deputy Speakers, however, who do not have alternates, may take part in votes when they preside over meetings of the Chamber. The Speaker proposes a new Prime Minister (IG 6:4). The Speaker is also a member of the Advisory Council on Foreign Affairs (IG 10:12) and acts as temporary regent (Head of State) when no other eligible person is able to do so (IG 5:7). Each party group appoints a representative (group leader) to confer with the Speaker on the work of the Chamber (RA 4:3). The Speaker chairs the Riksdag Board (RA 4.4.1). The Riksdag Board directs the Riksdag Administration and confers on the planning of Riksdag business.

In addition to the Speaker, the Board is made up of ten other members of the Riksdag appointed for each electoral period on the basis of parliamentary proportionality.

Meetings of the Chamber

Members are seated in the Chamber by constituency and not by party, and each member has his or her own appointed place. There are also special seats for government ministers. Meetings are open to the public, but if for example the foreign policy situation necessitates it, it is possible to meet behind closed doors (IG 4:9, RA 6:7). These meetings are not open to the public.

Debates are held to discuss committee reports and interpellations. After consulting the group leaders, the Speaker may decide that a debate shall be held on matters unconnected with other business under consideration. This category of specially-arranged debates includes debates between party leaders, general policy debates, and debates on matters of current interest (RA 6:23).

Possible limitation of debate is a complex and important issue. On the one hand, there is the fundamental democratic principle that a member's right to speak should not be circumscribed in respect either of number or duration of interventions. On the other hand, there is a risk that time spent debating in the Chamber will increase considerably. Under the rules of debate, every member has the right to speak for four minutes on each item of business (RA 6:21). A member who puts himself or herself down to speak in a debate no later than a day in advance may speak for a longer time, but must indicate the expected duration of his or her intervention (RA 6:21). There is no statutory time limit. On the other hand, debating time is limited in the first instance by means of inter-party agreements reached in consultation with the Speaker. Special rules apply to interpellation debates (RA 8.4.2). In the specially arranged debates, the Speaker determines the

rules after consultation with the party groups (RA 6.23.1). No speakers in any Riksdag debate may speak inappropriately of another person, use personally insulting language, or otherwise behave in word or deed in a way that contravenes good order (RA 6:16).

A record is kept of debates held at meetings of the Chamber (RA 6:24). The record is to be made available in readable form without delay (preliminary record) to the extent that it does not contain information to which secrecy applies (RA 6.24.1).

Introduction of business

The right to introduce a matter in the Chamber implies a right to demand a Riksdag decision in the matter. This right of initiative is vested in the Government (IG 4:4) by means of a government bill or written communication (RA 9:2, 7); in every member of the Riksdag (IG 4:4) by means of a private member's motion (RA 9:10); in the committees by means of a committee initiative (RA 9:16); and in certain Riksdag bodies by means of a submission or a report (RA 9:17). The most far-reaching rights of initiative lie with the Government and individual members of the Riksdag. These have the right to put forward proposals on all matters coming within the jurisdiction of the Riksdag, unless otherwise provided in the Instrument of Government (IG 4:4). Some EU documents are also considered by the Riksdag (RA 9:20).

Government bills and written communications from the Government are among the most important working materials of the Riksdag. There were approximately 300 of these during the 2017/18 Riksdag session. For the 2018/19 Riksdag session, the corresponding figure was just over 160 government bills and written communications. The Budget Bill is a government bill which is submitted annually. Private members' motions also form a significant part of the work of the Riksdag. The private members' motions do not as a rule receive the same thorough preparation as government bills and therefore often require a certain amount of preparatory work in the committees concerned. Normally, between 3,000–4,000 motions are introduced during a Riksdag session.

The Riksdag Act lays down time limits for the introduction of government bills and private members' motions. The Riksdag determines the latest submission dates for government bills which in the Government's view need to be considered in the course of a session. The Government may, however, introduce a bill at a later date if it finds that there are exceptional grounds for doing so (RA 9:3). The Spring Fiscal Policy Bill is to be submitted by no later than 15 April every year and in years when there is no election, the Budget Bill is to be submitted no later than 20 September (RA 9.5.1 and 9.5.2).

Private members' motions arising out of a government bill, a written communication from the Government, a submission or a report from a Riksdag body other than a committee must be introduced within fifteen days from the date on which the initiative was notified to the Chamber (RA 9:12). The general private members' motions period begins when the session opens and ends when the period for presentation of private

members' motions on the Budget Bill expires. A private member's motion submitted during this period may deal with any subject on which the Riksdag may decide (RA 9:11).

Preparation of business

Business must be prepared before it is put to the Riksdag for decision. This means that all matters introduced in the Chamber are referred to a committee for preparation (IG 4:5, RA 10:2). The predominant type of committee in the Riksdag is the permanent committee. As a rule, matters are distributed among committees according to subject area (RA 7:5). A committee must adopt a position on the proposals put forward in the item of business referred to it for preparation, and submit a report to the Chamber (RA 10:2). As a rule, no matters except the Budget Bill may be shared between committees (RA 7:6). If there are aspects of a matter which affect another committee's policy area, the preparing committee can request the other committee to deliver an opinion (RA 10:7). Opinions of this kind are the most common form of cooperation between committees. The committees deliver statements to the Chamber on certain EU matters.

There are currently fifteen permanent committees in the Riksdag. The Committee on the Constitution and the Committee on Finance have special responsibilities and are mentioned specifically in the Instrument of Government (IG 4:3). Other committees are specified by name in the Riksdag Act (RA 7:2 and 7:2.1). Each committee must have an odd number of members, but no fewer than fifteen (RA 7:4). The current number is seventeen. There are at least as many deputy members as there are ordinary members. The committees are elected for the electoral period of the Riksdag (RA 7:2). Each committee is elected separately. Elections are almost invariably based on a list of candidates agreed to by the parties. In distributing committee places, it is generally ensured that the parties are represented in the committees in relation to their size in the Riksdag.

The Committee on Finance has a great responsibility and a coordinating role in the budget process. In addition to its task of preparing matters relating to general guidelines for economic policy, the budget, and following up and evaluating the activities of the Riksbank, the Committee prepares proposals for expenditure limits for different expenditure areas (RA 7:9). The expenditure limits are determined by the Riksdag and are binding for the committees. In addition, before another committee submits a report on a matter whose proposals could have significant future repercussions for public revenue and expenditure, the Committee on Finance must have the opportunity to comment (RA 10:4). The right of the Committee on Finance to submit proposals affecting another committee's subject area for purposes of economic policy should be viewed in this context (RA 9:16).

An important rule with regard to the preparation process is that central government agencies are under an obligation to provide information and deliver opinions to a committee when so requested. Such a request can be made by a committee minority of at least five members (RA 10:8, 9). However, the Government's obligation to provide information is limited mainly to EU matters. If a committee intends to propose an amendment

to law on account of a motion or by means of a committee initiative, the committee is to obtain the necessary information and statements, unless the committee considers that there are particular reasons for not doing so. This also applies to proposals with an impact on the central government budget, such as proposals to raise or lower appropriations in relation to the Government's Budget Bill (RA 10:4).

Committee meetings are not open to the public. However, a committee is free to arrange public hearings for information-gathering purposes (RA 7:17).

If a committee fails to agree, the matter is decided by means of a vote. If the vote is tied, the chair has a casting vote. A member who loses a vote has the right to append a reservation (RA 10:11).

In addition to the formal preparation of business, the committees are to monitor EU business and may hold deliberations with the Government in matters concerning the EU (RA 7:12, 13). The Committee on European Union Affairs is not a parliamentary committee and does not prepare matters prior to a decision in the Chamber. The Government consults the Committee on European Union Affairs ahead of decisions in the Council of the European Union (RA 7:14).

Settlement of business

A committee report or statement should normally be available for the members no later than two weekdays before being taken up for debate and settlement (RA 11:2). In the debate each member of the Riksdag and government minister has the right to speak (IG 4:6). Many matters are not controversial, so there is generally no need for a debate.

A matter may be decided by the members saying 'yes' or 'no', in other words by acclamation, but a member is always entitled to demand a vote. A vote must always be taken if a decision requires a qualified majority (RA 11:8). If there are more than two proposals regarding the matter to be decided, a process of elimination (RA 11:10) is applied. This calls for the gradual elimination of proposals by a reductive process of voting on pairs of proposals until only two remain. In other words, the successful proposal goes forward to the next vote until only two remain and a final deciding vote can be taken.

Voting is open (RA 11:10). The principal rule is that a vote is won by the proposal that has the support of more than half of those voting (IG 4:7). Certain decisions, however, require a qualified majority, or other special procedure (RA 11:14). In certain procedural matters the issue may be decided by a minority. If a final vote is tied, the matter is tabled and a new vote is taken at a later meeting. If the vote is tied a second time, the matter may be referred back to the committee or else decided by lot (RA 11:12). There are three ways in which a vote may be taken: by members rising in their places, by using electronic voting equipment, or, if this cannot be used, by a call of names (RA 11:10).

As a general rule, a matter must be settled during the electoral period in which it is raised. However, the Riksdag can approve deferral to the first session of the next electoral period. The committees determine when within

the electoral period a matter is to be considered. Business relating to the central government budget for the following budget year must, however, be settled before the start of the budget year unless it can without detriment be decided later (RA 11:15).

Staff and administration

The head of the Riksdag staff and administration is the Secretary-General of the Riksdag. The Secretary-General is also the official who works most closely with the Riksdag Board and the Speaker in leading the work of the Riksdag. The Secretary-General is elected by the Riksdag for a period of four years with the possibility of re-election (RA 14:4–8). The Riksdag Administration shall provide support to the work of the Chamber, the Riksdag committees and the Committee on European Union Affairs, as well as assist the members of the Riksdag and Riksdag bodies with factual information for their work in the Riksdag (RA 14:2).

The Freedom of the Press Act and the Fundamental Law on Freedom of Expression

The freedom to produce and disseminate information

As far as printed matter is concerned, there are no grounds in law for public institutions to take prior action on account of the content of a document to prohibit or prevent anyone who so wishes from producing or disseminating the document (FPA 1:1; 1:8; 4:1 and 6:1). Material that is duplicated using cheaper and simpler technology is also afforded the same legal protection as printed matter (FPA 1:2, 4:2). A freedom of broadly similar scope exists in respect of film, video, sound and other technical recordings (FLFE 1:1; 1:11–12; 3:10).

The principle of the right of establishment applies to transmissions by cable, and every natural and legal person has the right to transmit programmes by cable (FLFE 3:1). This right of establishment may only be restricted by the exceptions listed in Chapter 3, Article 2 of the Fundamental Law on Freedom of Expression. Some of the exceptions that are listed are the possibility to lay down provisions in an act of law on the obligation of network owners to make space available for certain programmes, to the extent necessary with regard to the public interest in access to comprehensive information, and for associated services consisting of or facilitating access to subtitles, interpretation, spoken text or similar technologies intended to make the programmes accessible to people with functional disabilities, and in the interest of network competition. Furthermore provisions may be laid down on the obligation of network owners to take steps to assure listeners of influence over programme choice and the obligation of those who transmit television programmes or provide such programmes by transmission from a database, to make the programmes accessible to people with functional disabilities. Provisions may also be laid down in law on the

obligation of those who transmit television programmes or provide such programmes by transmission from a database to promote the production of and accessibility to programmes of European origin, and concerning interventions against programming prominently featuring depictions of violence, pornographic images, or agitation against a population group. Furthermore, provisions may be laid down concerning conditions for the transmission of programmes for activities conducted with the purpose of transmission of sound radio or television for public service, provided the task is financed with public funds. Among other things, the freedom to transmit by cable means that public institutions cannot require licences for the transmission of cable television. This circumstance, combined with modern satellite broadcasting technology, has rendered it impossible in the long run to impose a monopoly or near monopoly and has thus limited the effects of a ban on showing television commercials.

The right of establishment does not apply to programmes not transmitted by cable (over-the-air broadcasts) (FLFE 3:3). For technical reasons, it has been considered necessary to regulate the use of the limited frequency range available for over-the-air transmissions. The right to transmit radio programmes over-the-air may be regulated in an act of law containing provisions on licensing and conditions of transmission. Such regulations are contained in the Radio and Television Act (Swedish Code of Statutes 2010:696). Public institutions must try to ensure that radio frequencies are utilised so as to ensure the broadest possible freedom of expression and information (FLFE 3:3).

The principle of exclusivity

Under both the FPA and the FLFE, constitutional protection means that public institutions are debarred from intervening against abuses of freedom of expression or complicity in such abuses other than in those cases and in the manner laid down in these two fundamental laws (FPA 1:9, FLFE 1:14). The FPA and the FLFE are the only laws that can be applied within each of these areas. This means that the Riksdag may not by means of ordinary law limit the freedom of the press or the freedom of expression as it is regulated in either of these fundamental laws.

Judicial practice has, however, established a line of demarcation between violations of the freedom of the press and offences committed using printed matter which are punishable on grounds other than abuse of the freedom of the press. Fraudulent or misleading messages in commercial advertising, for example, are not regarded as violations of the freedom of the press, but are dealt with within the framework of market law. In addition, explicit rules in the FPA set out further exemptions from constitutional protection, with regard among other things to violations of copyright and the regulation of advertising for alcohol and tobacco, and of commercial provision of credit information. Requirements regarding warning texts or other product information can now be regulated in ordinary law. Provisions may also be laid down on liability under penal law and liability for damages for violations of bans on making reproductions, descriptions or measurements of or inside buildings, other facilities, areas or other objects of importance

to Sweden's total defence, if the ban is necessary with regard to the interests of stronger protection against serious crime or against disclosure of secret information concerning total defence, or to the interests of protecting the public from injury as a result of military activities (FPA 1:12, FLFE 1:18).

The long-running debate on child pornography resulted in the removal from fundamental law of what are now defined as pornographic images of individuals whose pubertal development is not complete or who are under eighteen years of age (FPA 1:14, FLFE 1:21). Child pornography offences are regulated solely under the Criminal Code (Chapter 16, Section 10 a-b). Possessing and viewing such images has also been criminalised.

Ban on censorship and other obstacles

Both the Freedom of the Press Act and the Fundamental Law on Freedom of Expression contain the essential feature of legislation on the freedom of expression, namely the explicit prohibition of censorship and other obstacles (FPA 1:8 and FLFE 1:11). The ban is directed at public authorities and other public bodies. The Constitution does not in general preclude an individual responsible for the publication of an item from such actions as requesting a public authority to scrutinise an item prior to publication. The only exception to the ban on censorship under the fundamental laws is that provisions may be laid down in law concerning the scrutiny and approval of moving pictures in films and video recordings, and in other technical recordings intended for public showing (FLFE 1:12). Censorship of films intended for adults was abolished in 2011.

News sources

The Freedom of the Press Act and the Fundamental Law on Freedom of Expression protect sources of news and other information in two separate sets of rules which deal respectively with public access to official documents and the protection of sources. This protection entails both immunity from criminal liability and the right to anonymity.

The constitutional rules on public access to official documents are contained in Chapter 2 of the Freedom of the Press Act. Documents held by a public authority or agency are official and public documents, regardless of whether they were received from others or drawn up by the body, and regardless of content. Productions in writing or drawing, that is paper documents, are also considered to be documents. The same applies to recordings that can only be read or listened to using technical devices. In the case of documents drawn up by a public authority or agency, the general rule is that they become official documents when they acquire final form. Drafts and proposals also become official documents if they are archived after a matter has been settled. The provisions allow some scope for unofficial exchanges with a representative of a public institution, for example a minister. This is provided the document is intended for the recipient solely as the holder of another position (for instance, as a politician or trade union official) as distinct from an official representative at an authority or agency (FPA 2:3–12)

An official document is public in principle, that is, it must be kept available to anyone who wishes to examine it, normally in the original (FPA 2:15). Individuals also have the right to obtain a transcript or copy against payment and may also reproduce or copy a document using their own equipment. The Freedom of the Press Act makes it possible to introduce in law an obligation for public authorities or agencies to make documents available in electronic form (FPA 2:16). The authority or agency may not, as a general principle, inquire into the identity or purpose of the applicant (FPA 2:18) when requesting a document.

All questions relating to access to official documents must be dealt with promptly (FPA 2:15–17 and 19).

Official documents may be kept secret. The Freedom of the Press Act 2:2 lists the interests governing secrecy, and secrecy is not permitted other than in accordance with these principles. These interests are:

– the security of the country or its relations with another sovereign state or international organisation;
– national fiscal policy, monetary policy or currency policy;
– inspection, control and other supervisory operations carried out by public authorities;
– the prevention or prosecution of crime;
– public economic interest;
– protection of the personal and economic circumstances of private individuals; and
– the preservation of animal or plant species.

Exceptions from the principle of public access to official documents are to be specified in greater detail in a special law, the Public Access to Information and Secrecy Act, or by way of exception in other laws and in such a case with reference to the Public Access to Information and Secrecy Act.

If a public authority or agency rejects an application for access to an official document, the decision may be appealed, normally to an administrative court of appeal. If the appeal is rejected in the first appellate court, the appellant can take the matter further to the Supreme Administrative Court, in which case leave to appeal is required.

The Public Access to Information and Secrecy Act prohibits on principle the disclosure of information classified as secret. This prohibition applies whether the disclosure takes place orally, by the passing over of an official document, or in any other way. Thus both document secrecy and professional secrecy apply.

The freedom to communicate information is established in the opening provisions of both FPA 1:7 and the FLFE 1:10. In practical terms, the most important case is one in which a central or local government official passes material covered by secrecy regulations to a competent recipient for publication (a newspaper, news agency etc.). The basic rule is that in this case the person who has communicated the information cannot then be convicted of violating his or her duty of confidentiality. Certain exceptions

apply (see FPA 7:22 and FLFE 5:4). A similar freedom to communicate information exists for individuals who procure information for publication.

The right to anonymity is protected in various ways. It is punishable by law for those engaged in the production of printed matter or of items protected under the FLFE to disclose the names of sources or authors wishing to remain anonymous. Exceptions from this duty of confidentiality are permitted only in special cases, such as the examination of witnesses before a court of law, if the court finds that it is of exceptional importance, with regard to a public or private interest, for information to be produced as to identity (FPA 3:4 and FLFE 2:4). In certain cases, the duty of confidentiality is waived in milder circumstances. This is true of cases regarding violations of a duty of confidentiality where liability might arise under the exceptions to which reference has just been made (FPA 7:22 and FLFE 5:4). It is also prohibited for an authority or agency or other public body to trace the identity of an author, a publisher, or a person who has communicated the information. Nor may an authority or agency or other public body take action against anyone for using the freedom of the press or facilitating such use (FPA 3:5–6 and FLFE 2:5–6).

Liability rules

An important element in the system of safeguards contained in the two fundamental laws is the design of the penal provisions. For most types of violation of the freedom of the press and the freedom of expression, the principle of double criminality applies. That means that the offence must be punishable under both fundamental law and ordinary law – in practice, the Criminal Code – before it can give rise to liability in freedom of the press or freedom of expression proceedings (FPA 7:1, FLFE 5:1) The implication of this is that liability may be reduced by means of an amendment in ordinary law, but may not be increased without amendments to both fundamental law and ordinary law. The acts referred to in Chapter 7 Art. 2–20 of the FPA are regarded as offences against the freedom of the press if committed by means of printed matter. Chapter 5, Article 1 states that the acts listed as freedom of the press offences in Chapter 7, Articles 2–20 of the Freedom of the Press Act shall be regarded as freedom of expression offences if they are committed in a programme or technical recording. Unlawful portrayal of violence is also regarded as a freedom of expression offence under certain specified conditions (FLFE 5:2).

Most of the offences listed in the FPA are offences against national security, while some are classifiable as violations of public order, namely, sedition, agitation against a population group, and unlawful portrayal of violence. The crime of agitation against a population group also comprises threats and contempt alluding to sexual orientation or transgender identity or expression. Certain other offences involving threatening behaviour are punishable in law, even when committed by means of statements in media covered by the FPA and the FLFE. Only defamation and insulting language and behaviour come under the heading of offences against individuals, and, of these, only defamation, gross defamation, and defamation of a deceased individual are of any practical significance.

Ordinary law applies in respect of penal sanctions. Penalties for violations of the freedom of the press and freedom of expression may therefore be made more severe or mitigated without amending fundamental law. Damages also fall within the framework of ordinary law, but with the qualification that damages can arise only when the item considered to have caused the injury is found to be criminal (FPA Chapter 11 and FLFE Chapter 9). Liability for damages extends not only to the individual liable under criminal law but also to the owner or publisher of the printed matter or the individual responsible for the programming in question.

The special liability rules (FPA Chapter 8 and FLFE Chapter 6) are based on the principle of individual responsibility referred to above. In the majority of cases, liability rests with the responsible editor appointed by the owner. This applies to periodicals (FPA 8:1), and to radio programmes and technical recordings such as films, videos and sound recordings (FLFE 6:1). Otherwise, liability generally rests with the author of the offending matter (FPA 8:6). To a certain extent, general rules of criminal law apply with regard to broadcasting media, namely in relation to certain types of live broadcast (FLFE 1:16, 6:5). A necessary consequence of the principle of sole responsibility is that the individual responsible cannot escape liability by claiming that he or she had no knowledge of the content of an item or had not consented to its publication. The fundamental laws resolve this problem by means of a presumption which cannot be disproved. The responsible individual is presumed to have had knowledge of the content of the item and to have consented to its publication (FPA 8:14 and FLFE 6:9).

As a rule, only the Chancellor of Justice may institute legal proceedings in respect of violations of freedom of the press and freedom of expression (FPA 9:2 and FLFE 7:1). In the case of unlawful portrayal of violence, agitation against a population group and certain other offences committed in a technical recording, however, the Chancellor of Justice is permitted to delegate certain prosecution functions to a public prosecutor. Defamation and insulting language and behaviour come into the category of private prosecution. The Chancellor of Justice may institute proceedings in respect of such violations only if the plaintiff reports them for prosecution and proceedings are regarded as desirable on special grounds as a matter of general interest. Cases are tried before a court of general jurisdiction, that is, with a district court as the court of first instance. Only about 25 district courts are competent to try these cases. The court hearing proper is preceded by examination before a jury of nine persons, unless this procedure is waived by both parties (this is the only instance of trial by jury in Swedish law). If the jury acquits, the proceedings are abandoned and acquittal is declared. If the jury finds against the defendant – for which at least six votes are required – the matter is tried in court. The court is free either to acquit or show greater leniency than the jury, but it may not show greater severity. The jury considers only the question of guilt. It is the task of the court to impose a sentence and to damages where applicable. The ruling, regardless of whether it is a question of conviction or acquittal, may be appealed to a higher court. The higher court, however, is no freer than the district court to set aside the jury's judgment in the question of guilt.

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The Instrument of Government

Up to and including Swedish Code of Statutes (SFS) 2022:1600

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 is realised through a representative and parliamentary form of government and through local self-government.

Public power is 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 individual.

The personal, economic and cultural welfare of the individual shall be fundamental aims of public activity. In particular, the public institutions shall secure the right to employment, housing and education, and shall promote social care and social security, as well as favourable conditions for good health.

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 shall protect the private and family lives of the individual.

The public institutions shall work to promote the opportunity for all to attain participation and equality in society and for the rights of the child to be safeguarded. 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 individual.

The opportunities of the Sami people, and ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own shall be promoted.

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 Sweden's fundamental laws.

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

It enacts the laws, determines central government taxes and decides how central government funding shall be used. The Riksdag examines the government and administration of the country.

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

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

Art. 7. Sweden has local authorities at local and regional level.

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

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

Art. 10. Sweden is a member of the European Union. Sweden also participates in international cooperation within the framework of the United Nations and the Council of Europe, and in other contexts.

Chapter 2. Fundamental rights and freedoms

Freedom of opinion

Art. 1. Everyone shall be guaranteed the following rights and freedoms in his or her 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 meetings 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 demonstrations in a public place;
5. freedom of association: that is, the freedom to associate with others for public or private purposes; and
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 similar 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. No one may in his or her relations with the public institutions be coerced to divulge an opinion in a political, religious, cultural or other such connection. Nor may anyone in his or her relations with the public institutions be coerced to participate in a meeting for the shaping 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 Swedish citizen may be based without his or her consent solely on his or her political opinions.

Physical integrity and freedom of movement

Art. 4. There shall be no capital punishment.

Art. 5. Everyone shall be protected against corporal punishment. No one may be subjected to torture or medical intervention with the purpose of extorting or suppressing statements.

Art. 6. Everyone shall be protected in his or her relations with the public institutions against any physical violation also in cases other than cases under Articles 4 and 5. Everyone 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.

In addition to what is laid down in paragraph one, everyone shall be protected in his or her relations with the public institutions against significant invasions of personal privacy, if these occur without his or her consent and involve the surveillance or systematic monitoring of the individual's personal circumstances.

Art. 7. No Swedish citizen may be deported from or refused entry into the country.

No Swedish citizen who is domiciled in Sweden or who has previously been domiciled in Sweden may be deprived of his or her citizenship. It may however be prescribed that children under the age of eighteen shall have the same nationality as their parents or as one parent.

Art. 8. Everyone shall be protected in his or her relations with the public institutions against deprivations of personal liberty. All Swedish citizens shall also in other respects be guaranteed freedom of movement within the country and freedom to leave the country.

Rule of law

Art. 9. If a public authority other than a court of law has deprived an individual of his or her liberty on account of a criminal act or because he or she is suspected of having committed such an act, the individual shall be entitled to have the deprivation of liberty examined before a court of law without undue delay. This shall not, however, apply where the matter concerns the transfer to Sweden of responsibility for enforcing a penal sanction involving deprivation of liberty according to a sentence in another state.

Also, those who for reasons other than those specified in paragraph one, have been taken forcibly into custody, shall likewise be entitled to have the matter of custody 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 chair of the tribunal shall be currently, or shall have been previously, a permanent salaried judge.

If examination has not been referred to an authority which is competent under paragraph one or two, such examination shall be undertaken by a court of general jurisdiction.

Art. 10. No one may be sentenced to a penalty or penal sanction for an act which was not subject to a penal sanction at the time it was committed. Nor may anyone be sentenced to a penal sanction which is more severe than that which was in force when the act was committed. The provisions laid down here with respect to penal sanctions also apply to forfeiture and other special legal effects of crime.

No taxes or charges due the State may be imposed 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 lay down in law that taxes or charges due the State shall be imposed even though no such act had entered into force when the aforementioned circumstance arose, provided the Government or a Riksdag committee 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 may be established on account of an act already committed, or for a particular dispute or otherwise for a particular case.

Legal proceedings shall be carried out fairly and within a reasonable period of time. Proceedings in courts of law shall be open to the public.

Protection against discrimination

Art. 12. No act of law or other provision may imply the unfavourable treatment of anyone because he or she belongs to a minority group by reason of ethnic origin, colour, or other similar circumstances or on account of his or her sexual orientation.

Art. 13. No act of law or other provision may lead to the unfavourable treatment of anyone on grounds of gender, unless the regulation forms part of efforts to achieve equality between men and women or relates to military service or similar official duties.

Industrial action on the labour market

Art. 14. 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.

Protection of property and the right of public access

Art. 15. 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 full compensation for his or her loss. 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.

In the case of restrictions on the use of land or buildings on grounds of protection of human health or the environment, or on grounds of safety, however, the rules laid down in law apply in the matter of entitlement to compensation.

Everyone shall have access to the natural environment in accordance with the right of public access, notwithstanding the above provisions.

Copyright

Art. 16. Authors, artists and photographers shall own the rights to their works in accordance with rules laid down in law.

Freedom of trade

Art. 17. Restrictions on 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.

Education and research

Art. 18. All children covered by compulsory schooling shall be entitled to a free basic education in the public education system. The public institutions shall be responsible also for the provision of higher education.

The freedom of research is protected according to rules laid down in law.

European Convention

Art. 19. 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.

Conditions for restricting rights and freedoms

Art. 20. To the extent provided for in Articles 21 to 24, the following rights and freedoms may be restricted in law:

1. freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate and freedom of association (Article 1, points 1 to 5);

2. protection against any physical violation in cases other than cases under Articles 4 and 5, against body searches, house searches and other such invasions of privacy, against violations of confidential items of mail or communications and otherwise against violations involving surveillance and monitoring of the individual's personal circumstances (Article 6);

3. freedom of movement (Article 8); and

4. public court proceedings (Article 11, paragraph two, sentence two).

With authority in law, the rights and freedoms referred to in paragraph one may be restricted by other statute in cases under Chapter 8, Article 5, and in respect of prohibition of the disclosure of matters which have come to a person's knowledge in the performance of public or official duties. Freedom of assembly and freedom to demonstrate may similarly be restricted also in cases under Article 24, paragraph one, sentence two.

Art. 21. The restrictions referred to in Article 20 may only be imposed to satisfy purposes acceptable in a democratic society. The restriction may never go beyond what is necessary with regard to the purposes for which it was imposed, nor may it extend so far that it represents a threat to the free shaping of opinion as one of the foundations of democracy. No restriction may be imposed solely on grounds of political, religious, cultural or other such beliefs.

Art. 22. A draft law under Article 20 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. The Riksdag may, however, adopt the proposal directly if it has the support of at least five sixths of those voting.

Paragraph one 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 performance of public or official duties, where secrecy is called for with 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 one applies in respect of a particular draft law.

Art. 23. Freedom of expression and freedom of information may be restricted with regard to national security, the national supply of goods, public order and public safety, the good repute of the individual, the sanctity of private life, and the prevention and prosecution of crime. Freedom of expression may also be restricted in business activities. Freedom of expres-

sion and freedom of information may otherwise be restricted only where particularly important grounds so warrant.

In judging what restrictions may be introduced in accordance with paragraph one, particular attention shall be paid 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. 24. 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 with regard to the circulation of traffic. These freedoms may otherwise be restricted only with regard to national security or in order to combat an epidemic.

Freedom of association may be restricted only in respect of organisations that are involved in or support terrorism, or whose activities are of a military or quasi-military nature, or constitute persecution of a population group on grounds of ethnic origin, colour, or other such conditions.

Art. 25. For foreign nationals within the country, special restrictions may be introduced to the following rights and freedoms:

1. freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate, freedom of association and freedom of worship (Article 1, paragraph one);

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, against violations of confidential items of mail or communications and otherwise against violations involving surveillance and monitoring of the individual's personal circumstances (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, sentence two);

7. authors', artists' and photographers' rights to their works (Article 16);

8. the right to trade or practise a profession (Article 17);

9. the right to freedom of research (Article 18, paragraph two); and

10. protection against violations on grounds of an opinion (Article 21, sentence three).

The provisions of Article 22, paragraph one, paragraph two, sentence one and paragraph three shall apply with respect to the special restrictions referred to in paragraph one.

Chapter 3. The Riksdag

Formation and composition of 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 personal preference vote.

Art. 2. The Riksdag consists of a single chamber comprising three hundred and forty-nine members. Alternates shall be appointed for members.

Ordinary elections

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

Right to vote and eligibility to stand for election

Art. 4. Every Swedish citizen who is currently domiciled in Sweden or who has ever been domiciled in Sweden, and who has reached the age of eighteen, is entitled to vote in an election to the Riksdag.

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

The question of whether a person has the right to vote is determined on the basis of an electoral roll drawn up prior to the election.

Constituencies

Art. 5. Sweden is divided up into constituencies for the purpose of elections to the Riksdag.

Distribution of seats among constituencies

Art. 6. Of the seats in the Riksdag, 310 are fixed constituency seats and 39 are 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 country. The distribution of seats among the constituencies is determined for four years at a time.

Distribution of seats among parties

Art. 7. The seats are distributed among the parties which have notified their participation in the election in accordance with rules laid down in law.

Only parties which receive at least four per cent of the votes cast throughout the country may share in the distribution of seats. A party receiving fewer votes, however, may participate in the distribution of the fixed constituency seats in a 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.

If, in the distribution of the fixed constituency seats under paragraph one, a party obtains seats in the whole of the country which exceed the

number corresponding to the proportional representation of that party in the Riksdag, then the surplus seats shall be returned and distributed among the other parties in accordance with rules laid down in law.

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 country for the parties participating in the distribution of seats. If, in the distribution of the fixed constituency seats, a party obtains seats which equal 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 1.2.

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

Electoral period

Art. 10. 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.

The 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.

Extraordinary elections

Art. 11. The Government may decide that an extraordinary election to the Riksdag shall be held between ordinary elections. An extraordinary election is held within three months from the decision.

After an election to the Riksdag has been held, the Government may not hold an extraordinary election until three months from the date on which the newly-elected Riksdag first convened. Neither may the Government decide to hold an extraordinary election while ministers remain at their posts, after all have been formally discharged, pending assumption of office by a new Government.

Rules concerning an extraordinary election in a particular case are laid down in Chapter 6, Article 5.

Appeals against election results

Art. 12. Appeals concerning elections to the Riksdag shall be lodged with an Election Review Board appointed by the Riksdag. There is no right of appeal against a decision of the Board.

A person who has been elected a member of the Riksdag exercises his or her mandate even if the election result has been appealed. If the result of the election is revised, a new member takes his or her seat immediately after the revised result has been declared. This applies in a similar manner to alternate members.

The Election Review Board consists of a chair, who is currently, or has 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 chair is elected separately.

Further provisions

Art. 13. Further rules concerning matters under Articles 3 to 12 and concerning the appointment of alternates for members of the Riksdag are laid down in the Riksdag Act or in a specific act.

Chapter 4. The work of the Riksdag

Riksdag session

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

The Speaker

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

Riksdag committees

Art. 3. The Riksdag elects committees from among its members in accordance with rules laid down in the Riksdag Act. These shall include a Committee on the Constitution and a Committee on Finance.

Right to introduce proposals

Art. 4. 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 provisions laid down in the Riksdag Act, unless otherwise provided in the present Instrument of Government.

Preparation of matters

Art. 5. Any matter raised by the Government or by a member of the Riksdag shall be prepared by a committee before it is settled, unless otherwise provided in the present Instrument of Government.

Settlement of matters

Art. 6. 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.

Provisions concerning grounds for disqualification are also laid down in the Riksdag Act.

Art. 7. When a vote is taken in the Chamber, the opinion supported by more than half of those voting constitutes the decision of the Riksdag, unless otherwise provided in the present Instrument of Government or, in the

case of matters relating to Riksdag procedure, in a main provision of the Riksdag Act. Provisions concerning the procedure to be followed in the event of a tied vote are laid down in the Riksdag Act.

Follow-up and evaluation

Art. 8. Each committee follows up and evaluates decisions of the Riksdag within the committee's subject area.

Openness in the Chamber

Art. 9. Meetings of the Chamber are open to the public.

A meeting may, nevertheless, be held behind closed doors in accordance with rules laid down in the Riksdag Act.

Members' legal status

Art. 10. Members of the Riksdag or alternates for such members may exercise their mandate as members notwithstanding any official duty or other similar obligation.

Art. 11. Members of the Riksdag or alternates for such members may not resign their mandate without the Riksdag's consent.

Where there are grounds, the Election Review Board shall examine on its own initiative whether a particular member or an alternate is eligible under Chapter 3, Article 4, paragraph two. A person pronounced to be ineligible is thereby deprived of his or her mandate.

Members or alternates may be deprived of their mandate in cases other than cases under paragraph two only if they have proved themselves 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. 12. Legal proceedings may not be initiated against a person who holds a mandate as a member of the Riksdag, or who has held such a mandate, on account of a statement or an act made in the exercise of his or her mandate, unless the Riksdag has given its consent thereto in a decision supported by at least five sixths of those voting. Nor may such a person be deprived of his or her liberty, or restricted from travelling within the country, on account of an act or statement made in the exercise of his or her mandate, unless the Riksdag has given such consent thereto.

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

Art. 13. During such time as a member is acting as Speaker of the Riksdag or is a member of the Government, his or her 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 he or she is on leave of absence.

The rules laid down in Articles 10 and 12, paragraph one also apply 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.

Further provisions

Art. 14. Further provisions concerning the work of the Riksdag are laid down in the Riksdag Act.

Chapter 5. The Head of State

Art. 1. Chapter 1, Article 5 states that the King or Queen who occupies the throne of Sweden in accordance with the Act of Succession is the Head of State.

Art. 2. Only a person who is a Swedish citizen and who has reached the age of eighteen may serve as Head of State. The Head of State may not at the same time be a minister, hold the office of Speaker or serve as a member of the Riksdag.

Art. 3. The Head of State shall be kept informed by the Prime Minister concerning the country's affairs. The Government convenes as Council of State under the chairmanship of the Head of State when required.

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

Art. 4. If the King or Queen who is Head of State is not in a position to perform his or her duties, the member of the Royal House in line under the order of succession and able to do so shall assume and perform the duties of Head of State in the capacity of Regent ad interim.

Art. 5. Should the Royal House become extinct, the Riksdag elects a Regent to perform the duties of Head of State until further notice. The Riksdag elects a Deputy Regent at the same time.

The same applies if the King or Queen who is Head of State dies or abdicates and the heir to the throne has not yet reached the age of eighteen.

Art. 6. If the King or Queen who is Head of State has been prevented for six consecutive months from performing his or her duties, or has failed to perform his or her duties, the Government shall notify the matter to the Riksdag. The Riksdag decides whether the King or Queen shall be deemed to have abdicated.

Art. 7. The Riksdag may elect a person to serve as Regent ad interim under a Government order when no one competent under Article 4 or 5 is in a position to serve.

The Speaker, or, in his or her 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. 8. The King or Queen who is Head of State cannot be prosecuted for his or her actions. Nor can a Regent be prosecuted for his or her actions as Head of State.

Chapter 6. The Government

Composition of the Government

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

The Prime Minister is appointed in accordance with the rules laid down in Articles 4 to 6. The Prime Minister appoints the other ministers.

Art. 2. The ministers must be Swedish citizens.

A minister may not have any other employment. Nor may he or she hold any appointment or engage in any activity which might impair public confidence in him or her.

Vote on a prime minister after an election

Art. 3. No later than two weeks after it has convened, a newly-elected Riksdag shall determine by means of a vote whether the Prime Minister has sufficient support in the Riksdag. If more than half of the members of the Riksdag vote no, the Prime Minister shall be discharged.

No vote shall be held if the Prime Minister has already been discharged.

Formation of the Government

Art. 4. 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 presenting a proposal to the Riksdag.

The Riksdag shall vote on the proposal within four days, 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. 5. If the Riksdag rejects the Speaker's proposal, the procedure laid down in Article 4 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 to 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. 6. When the Riksdag has approved a proposal for a new Prime Minister, the Prime Minister shall inform the Riksdag as soon as possible of the names of the ministers. Government changes hands thereafter at a Council of State before the Head of State or, in his or her absence, before the Speaker. The Speaker shall always be summoned to attend such a Council.

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

Discharge of the Prime Minister or a minister

Art. 7. If the Riksdag declares that the Prime Minister, or a member of his or her Government, no longer has its confidence, the Speaker shall discharge the minister concerned. However, if the Government is in a position to order an extraordinary election to the Riksdag and does so within one week from a declaration of no confidence, the minister shall not be discharged.

Rules concerning discharge of the Prime Minister following a vote on the Prime Minister after an election are laid down in Article 3.

Art. 8. A minister shall be discharged if he or she so requests; in such a case the Prime Minister is discharged by the Speaker, and any other minister by the Prime Minister. The Prime Minister may also discharge any other minister in other circumstances.

Art. 9. If the Prime Minister is discharged or dies, the Speaker shall discharge the other ministers.

Deputy for the Prime Minister

Art. 10. The Prime Minister may appoint one of the other ministers to deputise for him or her in case of absence. If no such deputy has been appointed, or if he or she is also unable to perform the duties of Prime Minister, these duties are assumed by the minister among those currently in office who has been a minister longest. When two or more ministers have been ministers for an equal period of time, the minister who is senior in age has precedence.

Caretaker government

Art. 11. 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 or her own request, he or she remains at his or her post until a successor has assumed office, should the Prime Minister so request.

Absence of the Speaker

Art. 12. In the absence of the Speaker, a Deputy Speaker shall assume the duties of the Speaker under the present Chapter.

Chapter 7. The work of the Government

The Government Offices and their duties

Art. 1. Government offices shall exist for the preparation of Government business and to assist the Government and ministers in their other duties. The Government Offices include ministries for different areas of activity. The Government divides business between ministries. The Prime Minister appoints the heads of the ministries from among the ministers.

Preparation of business

Art. 2. In preparing Government business, the necessary information and opinions shall be obtained from the public authorities concerned. Information and opinions shall be obtained from local authorities as necessary. Organisations and individuals shall also be given 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 within the armed forces of statutes or special Government decisions 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. A Government meeting shall be attended by at least five ministers.

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

Records of meetings and dissenting opinions

Art. 6. A record shall be kept of Government meetings. Dissenting opinions shall be entered in the record.

Art. 7. Statutes, proposals to the Riksdag, and other Government decisions to be dispatched are only valid when signed or otherwise confirmed by the Prime Minister or another minister on behalf of the Government. The Government may, however, prescribe in an ordinance that an official may, in a particular case, sign or otherwise confirm a Government decision to be dispatched.

The decisions shall be confirmed by means of a procedure that meets high security standards.

Chapter 8. Acts of law and other provisions

Art. 1. Provisions are adopted by the Riksdag by means of an act of law and by the Government by means of an ordinance. The Riksdag or the Government may also authorise other authorities besides the Government and local authorities to adopt provisions.

Authorisation to adopt provisions shall always be laid down in an act of law or an ordinance.

Provisions adopted by means of an act of law

Art. 2. Provisions concerning the following shall be adopted by means of an act of law:

1. the personal status or mutual personal and economic relations of individuals;

2. relations between individuals and the public institutions which relate to the obligations of individuals, or which otherwise encroach on their personal or economic circumstances;

3. principles governing the organisation and working procedures of local authorities and local taxation, as well as the competence of local authorities in other respects, and their responsibilities;

4. religious communities and the principles on which the Church of Sweden as a religious community is based;

5. the holding of a consultative referendum throughout the country and the procedure for holding a referendum on a matter of fundamental law; and

6. elections to the European Parliament.

It also follows from other rules laid down in the present Instrument of Government and other fundamental laws that provisions with a certain content shall be adopted by means of an act of law.

Provisions adopted by the Government

Art. 3. The Riksdag may authorise the Government to adopt provisions in accordance with Article 2, paragraph one, points 2 and 3. The provisions may not, however, relate to:

1. legal effects of criminal acts other than the imposition of fines;

2. taxes other than customs duties on the importation of goods; or

3. bankruptcy or enforcement.

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. 4. The Riksdag may authorise the Government to adopt provisions in accordance with Article 2, paragraph one, points 1 to 3, concerning the granting of respites for the meeting of obligations.

Art. 5. In an act of law, the Riksdag may authorise the Government to adopt provisions on:

1. when the act of law shall come into force;
2. when parts of the law shall come into force or cease to apply; and
3. application of the law in relation to another country or an intergovernmental organisation.

Art. 6. Provisions adopted by the Government by virtue of authorisation under the present Instrument of Government shall be submitted to the Riksdag for examination, should the Riksdag so decide.

Art. 7. In addition to what follows from Articles 3 to 5, the Government may adopt:

1. provisions relating to the implementation of laws; and

2. provisions which do not require adoption by the Riksdag under fundamental law.

The Government may not by virtue of paragraph one adopt provisions which relate to the Riksdag or authorities under the Riksdag. Nor may the Government by virtue of paragraph one, point 2, adopt provisions which relate to local taxation.

Art. 8. The powers conferred on the Government to adopt provisions in a particular matter do not preclude the Riksdag from adopting provisions in the same matter in an act of law.

Provisions adopted by bodies other than the Riksdag and the Government

Art. 9. The Riksdag may authorise a local authority to adopt provisions in accordance with Article 2, paragraph one, point 2 if the provisions concern:

1. charges; or
2. taxes designed to regulate traffic conditions in the local authority.

Art. 10. Where, under the present chapter, the Riksdag authorises the Government to adopt provisions in a particular matter, the Riksdag may also authorise the Government to delegate the power to adopt provisions in the matter to an administrative authority or a local authority.

Art. 11. The Government may authorise an authority under the Government or an authority under the Riksdag to adopt provisions in accordance with Article 7. Such an authorisation to an authority under the Riksdag may not, however, relate to the internal affairs of the Riksdag or its authorities.

Art. 12. Provisions adopted by an authority under the Government by virtue of an authorisation in accordance with Article 10 or 11 shall be submitted to the Government for examination, should the Government so decide.

Art. 13. The Riksdag may authorise the Riksbank to adopt provisions coming within its remit in accordance with Chapter 9 and concerning its other duties relating to the financial system, cash or other means of payment, crisis situations and situations of heightened alert in peacetime, and international activities.

The Riksdag may authorise an authority under the Riksdag to adopt provisions that relate to the internal affairs of the Riksdag or its authorities.

Enactment of fundamental law and the Riksdag Act

Art. 14. Fundamental law is enacted by means of two decisions of identical wording. With the first decision, the proposal for the enactment of fundamental law is adopted as being held in abeyance. The second decision may not be taken until elections to the Riksdag have been held throughout the country following the first decision, and the newly-elected Riksdag has convened. At least nine months shall elapse between the first submission of the matter to the Chamber of the Riksdag and the date of the election, unless the Committee on the Constitution grants an exception. Such a decision shall be taken no later than the committee stage, and at least five sixths of the members must vote in favour of the decision.

Art. 15. 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 first adopted.

Art. 16. 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 the members, provided at least one third of the members vote in favour of the motion. Such a motion must be put forward within fifteen days from the date on which the Riksdag adopted the proposal 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 Article 14. 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 other cases, the proposal goes forward to the Riksdag for final consideration.

Art. 17. The Riksdag Act is enacted as prescribed in Article 14, sentences one to three, and Article 15. It may also be enacted by means of a single decision, provided at least three fourths of those voting and more than half the members of the Riksdag vote in favour of the decision.

Supplementary provisions of the Riksdag Act are however adopted in the same manner as ordinary law.

The provisions of paragraph one also apply to the adoption of an act of law under Article 2, paragraph one, point 4.

Amendment or abrogation of a law

Art. 18. No law may be amended or abrogated other than by an act of law.

Articles 14 to 17 apply with respect to amendment or abrogation of fundamental law or of the Riksdag Act. Article 17, paragraph one is applied in the case of amendment or abrogation of an act of law under Article 2, paragraph one, point 4.

Promulgation and publication of provisions

Art. 19. An act of law which has been adopted shall be promulgated by the Government as soon as possible. An act of law containing provisions relating to the Riksdag or authorities under the Riksdag which is not to 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 ordinances, unless otherwise laid down in law.

Council on Legislation

Art. 20. There shall be a Council on Legislation which includes justices, or, where necessary, former justices of the Supreme Court and the Supreme

Administrative Court, to pronounce an opinion on draft legislation. More detailed rules concerning the composition and working procedures of the Council on Legislation are laid down in law.

Art. 21. 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 or another Riksdag body.

The opinion of the Council on Legislation shall be obtained before the Riksdag takes a decision on:

1. fundamental law relating to the freedom of the press or the corresponding freedom of expression on sound radio, television and certain similar transmissions, public performances taken from a database and technical recordings;

2. an act of law limiting the right of access to official documents;

3. an act of law under Chapter 2, Articles 14 to 16, 20, or 25;

4. an act of law relating to the fully or partially automatic processing of personal data;

5. an act of law relating to local taxation or an act of law involving the obligations of local authorities;

6. an act of law under Article 2, paragraph one, points 1 or 2 or an act of law under Chapter 11 or 12; or

7. an act of law amending or abrogating an act of law under Articles 1 to 6.

The provisions under paragraph two do not, however, apply if the Council on Legislation's examination would lack significance due 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 adoption of an act of law in any matter referred to in paragraph two, 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.

Art. 22. The Council shall examine:

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 various 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; and

5. any problems that may arise in applying the act of law.

Chapter 9. Financial power

Decisions concerning central government revenue and expenditure

Art. 1. The Riksdag determines taxes and charges to central government, and approves the central government budget.

Proposed budget

Art. 2. The Government submits a budget bill to the Riksdag.

Decisions concerning the budget

Art. 3. The Riksdag approves a central government budget for the following budget year or, if special reasons so warrant, for some other budget period. In this connection, the Riksdag determines estimates of central government revenue and appropriations for specific purposes.

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

The Riksdag may decide that central government revenue may be used for specific purposes by means other than a decision concerning an appropriation.

Art. 4. During the budget period, the Riksdag may decide to revise its central government revenue estimates, alter appropriations already approved, or approve new appropriations.

Art. 5. If the central government budget is not approved before the start of the budget period, the Riksdag makes appropriations as required to cover the period until a budget is adopted. The Riksdag may authorise the Committee on Finance to make such a decision on behalf of the Riksdag.

If, under paragraph one, the Riksdag has not approved appropriations for a specific purpose, the most recent central government budget, with amendments consistent with other decisions made by the Riksdag, shall apply until these appropriations have been approved.

Guideline decisions

Art. 6. The Riksdag may determine guidelines for central government activities also covering a period exceeding the forthcoming budget period.

Use of appropriations and revenue

Art. 7. Appropriations and revenue may not be used in ways not approved by the Riksdag.

Central government assets and commitments

Art. 8. Central government assets are at the disposal of and administered by the Government, in so far as these are not intended for authorities under the Riksdag, or have been set aside in law for special administration.

The Government may not take up loans or otherwise assume financial commitments on behalf of central government unless authorised by the Riksdag.

Art. 9. The Riksdag decides the principles for the administration and disposition of central government assets. The Riksdag may also decide that measures of a particular nature may not be taken without its consent.

Central government annual report

Art. 10. After the end of the budget period, the Government submits a central government annual report to the Riksdag.

Further provisions concerning the central government budget

Art. 11. Further provisions concerning the competence and responsibilities of the Riksdag and the Government in respect of the central government budget are laid down in the Riksdag Act or separate legislation.

Currency policy

Art. 12. The Government is responsible for general currency policy matters.

Other provisions concerning currency policy are laid down in law.

The Riksbank

Art. 13. The Riksbank is Sweden's central bank and an authority under the Riksdag. The Riksbank is responsible for:

1. formulating and implementing monetary policy;
2. implementing currency interventions;
3. holding and managing a foreign currency reserve;
4. promoting a well-functioning payment system; and
5. carrying out other basic tasks pursuant to special legislation.

Art. 14. The Riksbank alone has the right to issue banknotes and coins. Provisions concerning the issue and validity of banknotes and coins are laid down in law.

Art. 15. No public authority may determine how the Riksbank shall decide in matters for which it is responsible under Article 13. Nor may the Riksbank request or receive instructions from anyone within these areas of responsibility.

Art. 16. The Riksbank has a General Council comprising eleven members, who are elected by the Riksdag. The Riksbank is under the direction of an Executive Board appointed by the General Council.

The Riksdag examines whether the members of the General Council and the Executive Board shall be granted discharge from liability. If the Riksdag refuses a member of the General Council discharge from liability, he or she is thus dismissed from his or her appointment. The General Council may only dismiss a member of the Executive Board if he or she no longer fulfils the requirements laid down for the performance of his or her duties, or is guilty of gross negligence.

Provisions concerning elections to the General Council and concerning the management and activities of the Riksbank are laid down in law.

Chapter 10. International relations

Government's authority to conclude international agreements

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

Art. 2. The Government may instruct 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.

Riksdag approval of international agreements

Art. 3. The Riksdag's approval is required before the Government concludes an international agreement which is binding upon the country:

1. if the agreement requires the amendment or abrogation of an act of law or the enactment of a new act of law; or

2. if it otherwise concerns a matter to be decided by the Riksdag.

If, in a case under paragraph one, points 1 or 2, a special procedure has been prescribed for the required Riksdag decision, the same procedure shall be applied in approving the agreement.

The Riksdag's approval is also required in cases other those under paragraph one, before the Government concludes an international agreement which is binding upon the country, if the agreement is of major significance. The Government may however act without obtaining the Riksdag's approval if national interests so require. In such a case the Government shall instead confer with the Advisory Council on Foreign Affairs before concluding the agreement.

Art. 4. The Riksdag may approve an agreement under Article 3 which is concluded within the framework of European Union cooperation, even if the agreement does not exist in final form.

Other international obligations and denunciation

Art. 5. The rules laid down in Articles 1 to 4 apply in a similar manner to Sweden's commitment to an international obligation in a form other than an agreement, and to the denunciation of an international agreement or obligation.

Transfer of decision-making authority within the framework of European Union cooperation

Art. 6. Within the framework of European Union cooperation, the Riksdag may transfer decision-making authority which does not affect the basic principles by which Sweden is governed. 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 may approve a transfer of authority, provided at least three fourths of those voting and more than half the members of the Riksdag vote

in favour of the decision. The Riksdag's decision may also be taken in accordance with the procedure prescribed for the enactment of fundamental law. Such a transfer cannot be decided until the Riksdag has approved the agreement under Article 3.

Transfer of decision-making authority outside the framework of European Union cooperation

Art. 7. Decision-making authority which is directly based on the present Instrument of Government and which relates to the laying down of provisions, the use of central government assets, tasks connected with judicial or administrative functions, or the conclusion or denunciation of an international agreement or obligation may, in cases other than those under Article 6, 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.

Decision-making authority relating to matters concerning the enactment, amendment or abrogation of fundamental law, the Riksdag Act or a law on elections to the Riksdag, or relating to the restriction of any of the rights and freedoms referred to in Chapter 2 may not be transferred under paragraph one.

A Riksdag decision in the matter of such transfer is taken in accordance with the procedure laid down in Article 6, paragraph two.

Art. 8. Any judicial or administrative function not directly based on this Instrument of Government may be transferred, in cases other than those under Article 6, to another state, international organisation, or foreign or international institution or community by means of a decision of the Riksdag. The Riksdag may authorise the Government or other public authority in law to approve such transfer of functions in particular cases.

Where the function concerned involves the exercise of public authority, the Riksdag's decision in the matter of such transfer or authorisation is taken in accordance with the procedure laid down in Article 6, paragraph two.

Future amendment of international agreements

Art. 9. If it has been laid down in law that an international agreement shall have validity as Swedish law, the Riksdag may prescribe that any future amendment which is binding upon the country shall also have validity as Swedish law. Such a decision relates only to a future amendment of limited extent. The decision is taken in accordance with the procedure laid down in Article 6, paragraph two.

Right of the Riksdag to information and consultation on European Union cooperation

Art. 10. The Government shall keep the Riksdag continuously informed and consult 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.

Advisory Council on Foreign Affairs

Art. 11. 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 country, 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. 12. 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 or her 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 or her knowledge in this capacity. The person presiding over a meeting of the Council may rule that a duty of confidentiality shall apply unconditionally.

Obligation of central government authorities to provide information

Art. 13. The head of the ministry responsible for foreign affairs shall be kept informed whenever a matter arises at another central government authority which has significance for relations with another state or an international organisation.

International criminal courts

Art. 14. The provisions laid down in Chapter 2, Article 7, Chapter 4, Article 12, Chapter 5, Article 8, Chapter 11, Article 8 and Chapter 13, Article 3 do not prevent Sweden from fulfilling its commitments under the Rome Statute for the International Criminal Court or in relation to other international criminal courts.

Chapter 11. Administration of justice

Courts of law

Art. 1. The Supreme Court, the courts of appeal and the district courts are courts of general jurisdiction. The Supreme Administrative Court, the administrative courts of appeal and the administrative courts are general administrative courts. The right to have a case tried by the Supreme Court,

Supreme Administrative Court, court of appeal or administrative court of appeal may be restricted in law.

Other courts are established in accordance with law. Provisions prohibiting the establishment of a court of law in particular cases are laid down in Chapter 2, Article 11, paragraph one.

A person may serve as a member of the Supreme Court or the Supreme Administrative Court only if he or she holds currently, or has held previously, an appointment as a permanent salaried justice. Permanent salaried judges shall serve at other courts. 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. Provisions concerning the judicial tasks of the courts, the main features of their organisation and legal proceedings in respects other than those covered in this Instrument of Government are laid down in law.

Independent administration of justice

Art. 3. Neither the Riksdag, nor a public authority, may determine how a court of law shall adjudicate an individual case or otherwise apply a rule of law in a particular case. Nor may any other public authority determine how judicial responsibilities shall be distributed among individual judges.

Art. 4. No judicial function may be performed by the Riksdag except to the extent laid down in fundamental law or the Riksdag Act.

Art. 5. A legal dispute between individuals may not be settled by an authority other than a court of law except in accordance with law.

Appointment of permanent salaried judges

Art. 6. Permanent judges are appointed by the Government.

When appointments are made, only objective factors, such as merit and competence, shall be taken into account.

Provisions concerning the grounds for the procedure for appointing permanent salaried judges are laid down in law.

Legal status of permanent salaried judges

Art. 7. A person who has been appointed a permanent salaried judge may be removed from office only if:

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

2. or he or she has reached the applicable retirement age or is otherwise obliged by law to resign on grounds of protracted loss of working capacity.

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. 8. Legal proceedings regarding a criminal act committed in the performance of an appointment as a member of the Supreme Court or the Supreme Administrative Court are instituted in the Supreme Court.

The Supreme Administrative Court examines whether a member of the Supreme Court shall be removed or suspended from duty or obliged to undergo medical examination. If such proceedings concern a member of the Supreme Administrative Court, the matter is examined by the Supreme Court.

Proceedings according to paragraphs one and two are initiated by the Parliamentary Ombudsmen or the Chancellor of Justice.

Art. 9. 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 or her to call for the decision to be examined before a court of law. A court conducting such an examination shall include a permanent salaried judge. The same applies to any decision as a result of which a permanent salaried judge is suspended from duty, ordered to undergo examination by a medical practitioner or subject to a disciplinary sanction.

Art. 10. Basic provisions concerning the legal status of permanent salaried judges in other respects are laid down in law.

Citizenship requirement

Art. 11. Only a Swedish citizen may be a permanent salaried judge. Swedish nationality may otherwise be stipulated as a condition of eligibility to perform judicial functions only with support in law or in accordance with conditions laid down in law.

Other employees at courts of law

Art. 12. Chapter 12, Articles 5 to 7 apply to other employees at courts of law.

Re-opening of closed cases and restoration of lapsed time

Art. 13. 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 re-opening of closed cases and restoration of lapsed time may be laid down in law.

Judicial review

Art. 14. If a court finds that a provision conflicts with a rule of fundamental law or other superior statute, the provision shall not be applied. The same applies if a procedure laid down in law has been disregarded in any important respect when the provision was made.

In the case of review of an act of law under paragraph one, particular attention shall be paid to the fact that the Riksdag is the foremost representative of the people and that fundamental law takes precedence over other law.

Chapter 12. Administration

Organisation of central government administration

Art. 1. The Chancellor of Justice and other central government 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.

Independence of administration

Art. 2. No public authority, including the Riksdag, or decision-making body of any local authority, may determine how an administrative authority shall decide in a particular case relating to the exercise of public authority vis-à-vis an individual or a local authority, or relating to the application of law.

Art. 3. No administrative function may be performed by the Riksdag except inasmuch as this follows from fundamental law or from the Riksdag Act.

Delegation of administrative functions

Art. 4. Administrative functions may be delegated to local authorities.

Administrative functions may also be delegated to other legal entities or to individuals. If such a function involves the exercise of public authority, it may only be delegated in accordance with law.

Special provisions on central government employees

Art. 5. Appointments to posts at 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 central government administration, only objective factors, such as merit and competence, shall be taken into account.

Art. 6. Only a Swedish citizen may hold an appointment as Parliamentary Ombudsman or Auditor General. This also applies to the Chancellor of Justice. Swedish nationality may otherwise be stipulated as a condition of eligibility to hold an office or appointment under central government or under a local authority only with support in law or in accordance with conditions laid down in law.

Art. 7. Basic rules concerning the legal status of central government employees in respects other than those covered in this Instrument of Government are laid down in law.

Dispensation and clemency

Art. 8. The Government may approve exemption from provisions of ordinances, or from provisions adopted in accordance with a Government decision, unless otherwise provided in an act of law or in a decision concerning a budget appropriation.

Art. 9. 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 an individual.

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

Judicial review

Art. 10. If a 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 shall not be applied. The same applies if a procedure laid down in law has been disregarded in any important respect when the provision was made.

In the case of review of an act of law under paragraph one, particular attention shall be paid to the fact that the Riksdag is the foremost representative of the people and that fundamental law takes precedence over other law.

Chapter 13. Parliamentary control

Examination by the Committee on the Constitution

Art. 1. The Committee on the Constitution shall examine ministers' performance of their official duties and the handling of Government business. For its examination, the Committee is entitled to have access to the records of decisions taken in Government matters and to the documents pertaining to such matters, as well as any other Government documents that the Committee deems necessary for its examination.

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 or her official duties or the handling of Government business.

Art. 2. Where warranted, but at least once a year, the Committee on the Constitution shall communicate to the Riksdag any observations it has found worthy of attention in connection with its examination. The Riksdag may make a formal statement to the Government as a consequence of this.

Prosecution of minister

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 or her ministerial duties only if he or she has grossly neglected his or her official duty by committing the criminal act. A decision to institute criminal proceedings shall be taken by the Committee on the Constitution and the case tried before the Supreme Court.

Declaration of no confidence

Art. 4. The Riksdag may declare that a minister no longer has the confidence of the Riksdag. A motion calling for such a declaration of no confi-

dence shall be raised by at least one tenth of the members of the Riksdag in order to be taken up for consideration. A declaration of no confidence requires the vote of more than half of the members of the Riksdag.

A motion calling for a declaration of no confidence shall not be taken up for consideration if raised on a date 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 or her post, under Chapter 6, Article 11, 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.

Interpellations and questions

Art. 5. Any member of the Riksdag may submit interpellations or questions to a minister on matters concerning the minister's performance of his or her official duties in accordance with the more detailed provisions laid down in the Riksdag Act.

Parliamentary Ombudsmen

Art. 6. The Riksdag elects one or more Parliamentary Ombudsmen who shall supervise the application of laws and other provisions in public activities, under terms of reference drawn up by the Riksdag. An Ombudsman may institute legal proceedings in the cases indicated in these terms of reference.

Courts of law, administrative authorities and central or local government employees shall provide an Ombudsman with such information and opinions as he or she may request. Other persons coming under the supervision of the Ombudsman have a similar obligation. An Ombudsman has the right to access the records and other documents of courts of law and administrative authorities. A public prosecutor shall assist an Ombudsman if so requested.

More detailed provisions concerning the Ombudsmen are laid down in the Riksdag Act and elsewhere in law.

National Audit Office

Art. 7. The National Audit Office is an authority under the Riksdag whose function is to examine the activities of the State. Provisions stating that the National Audit Office's audit may extend also to activities other than activities of the State are laid down in law.

Central government authorities shall provide the assistance and information requested by the National Audit Office for its audit. Other bodies that may be audited have a corresponding obligation regarding the part of their activities that is examined.

Art. 8. The National Audit Office is under the direction of one or more Auditors General, who are elected by the Riksdag. The Riksdag may remove an Auditor General from office only if the Auditor General no longer meets the requirements of the assignment or has grossly neglected his or

her duties. A minimum of three fourths of the members voting and more than half of the members of the Riksdag must agree on a decision to remove an Auditor General from office.

An Auditor General determines independently, having regard to provisions laid down in law, what activities shall be audited. The Auditor General also determines independently how an audit shall be carried out and formulates his or her own conclusions on the basis of the audit.

Art. 9. Further provisions concerning the National Audit Office are laid down in the Riksdag Act and elsewhere in law.

Chapter 14. Local authorities

Art. 1. Decision-making powers in Sweden's local authorities, consisting of municipalities and county councils, are exercised by elected assemblies.

Art. 2. The local authorities are responsible for local and regional matters of public interest on the principle of local self-government. More detailed provisions on this are laid down in law. By the same principle, the local authorities are also responsible for other matters laid down in law.

Art. 3. Any restriction in local self-government should not exceed what is necessary with regard to the purpose of the restriction.

Art. 4. The local authorities may levy tax for the management of their affairs.

Art. 5. According to law, local authorities may be obliged to contribute to costs incurred by other local authorities if necessary to achieve an equal financial base.

Art. 6. Provisions regarding grounds for changes in the division of the country into local authorities are laid down in law.

Chapter 15. War and danger of war

Summoning the Riksdag

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

War Delegation

Art. 2. If the country 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 country is at war, the decision instructing the War Delegation to replace the Riksdag shall be announced by the members of the Advisory

Council on Foreign Affairs in accordance with more detailed provisions laid down in the Riksdag Act. If possible, the Prime Minister shall be consulted before the decision is announced. If war conditions prevent the Council from convening, the decision is announced by the Government. If the country is exposed to the danger of war, the aforementioned decision is announced by the members of the Advisory Council on Foreign Affairs and the Prime Minister acting jointly. Such a decision must have the support of the Prime Minister and six members of the Council.

The War Delegation and the Government may decide, either jointly or separately, that the Riksdag shall resume its powers. The decision shall be taken as soon as circumstances so warrant.

Provisions 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 of the Riksdag. It may not however take decisions under Article 11, paragraph one, sentence one, or paragraph two or four.

The War Delegation determines its own working procedures.

Forming a Government and determining its working procedures

Art. 4. If the country is at war, and if, as a consequence of this, the Government is unable to carry out its duties, the Riksdag may decide on the formation of a Government and determine its working procedures.

Powers of the Government

Art. 5. If the country is at war, and if, as a consequence of this, neither the Riksdag nor the War Delegation is able to carry out its duties, the Government shall assume its powers to the extent necessary to protect the country and bring hostilities to a close.

Paragraph one does not empower the Government to enact, amend, or abrogate a fundamental law, the Riksdag Act, or a law on elections to the Riksdag.

Art. 6. If the country is at war or exposed to the danger of war, or if such exceptional conditions prevail as result from war, or the danger of war to which the country has been exposed, the Government may, with authority in law, adopt by means of an ordinance, 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 an ordinance 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 such authority, the conditions under which this authority may be invoked shall be strictly stipulated. Such authority shall not empower the Government to enact, amend, or abrogate a fundamental law, the Riksdag Act or a law on elections to the Riksdag.

Restrictions of rights and freedoms

Art. 7. If the country is at war or exposed to the immediate danger of war, the provisions of Chapter 2, Article 22, paragraph one, shall not apply. The same is true in any other circumstances in which the War Delegation is acting in place of the Riksdag.

Powers of public authorities other than the Riksdag

Art. 8. If the country is at war or exposed to the immediate danger of war, the Government may, with authority from the Riksdag, determine that a task that is to be performed by the Government in accordance with fundamental law shall instead 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.

Decision-making under occupation

Art. 9. Neither the Riksdag nor the Government may make decisions in occupied territory. Nor may any powers vested in a person in his or her capacity as a member of the Riksdag or as a minister be exercised in such territory.

Any public body in occupied territory shall 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 in general. In no circumstances may a public body make any decision or take any action which, in contravention of international law, obliges a citizen of Sweden to render assistance to the occupying power.

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

Head of State

Art. 10. If the country is at war, the Head of State should accompany the Government. If in occupied territory or separated from the Government, the Head of State shall be considered unable to carry out his or her duties as Head of State.

Elections to the Riksdag

Art. 11. If the country is at war, elections to the Riksdag may be held only if the Riksdag so determines. If the country is exposed to the danger of war when an ordinary election is 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. A decision under this paragraph is valid only if at least three fourths of the members of the Riksdag vote in favour of it.

If any part of the country is occupied when an election is 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, Articles 1, 4, 5, 7 to 9 or 12. Any reference to the country in Chapter 3, Article 5, 7, paragraph two; or Article 8, paragraph two, shall apply instead

to that part of the country 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. The Government and the Speaker, jointly or separately, shall 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.

Decision-making powers of local authorities

Art. 12. If the country 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 country has been exposed, the decision-making powers of local authorities shall be exercised as laid down in law.

Defence of the country

Art. 13. The Government may deploy Sweden's armed forces in accordance with international law to meet an armed attack against the country or to prevent a violation of its territory.

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

Declaration of war

Art. 14. The Government may not declare war without the consent of the Riksdag except in the case of an armed attack on the country.

Cessation of hostilities

Art. 15. The Government may enter into an agreement on a cessation of hostilities without requesting the approval of the Riksdag and without consulting the Advisory Committee on Foreign Affairs, if deferment of such an agreement may entail danger to the country.

Deployment of armed forces

Art. 16. The Government may send Swedish armed forces to other countries or otherwise deploy such forces in order to fulfil an international obligation approved by the Riksdag.

Swedish armed forces may also be sent to other countries or be deployed if:

1. it is permitted by an act of law setting out the conditions for such action; or
2. the Riksdag permits such action in a special case.

The Act of Succession

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. 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 Riksdag Act (2014:801)

up to and including Swedish Code of Statutes (SFS) 2023:507

Chapter 1. Introductory provisions

The contents of the Riksdag Act

Art. 1. This Act contains provisions about the Riksdag.

Provisions on elections to the Riksdag, the work of the Riksdag and the tasks of the Riksdag are laid down in the Instrument of Government.

The Act is divided into main provisions and supplementary provisions. Rules concerning the enactment and amendment of the provisions of the Riksdag Act are laid down in Chapter 8, Article 17 of the Instrument of Government.

The disposition of the Riksdag Act

Art. 2. The Riksdag Act contains 14 chapters. These are:

– introductory provisions (Chapter 1);
– elections to the Riksdag (Chapter 2);
– Riksdag sessions (Chapter 3);
– direction and planning of the work of the Riksdag (Chapter 4);
– the members of the Riksdag (Chapter 5);
– the Chamber (Chapter 6);
– the Riksdag committees and the Committee on European Union Affairs (Chapter 7);
– interpellations and questions to ministers (Chapter 8);
– introduction of business (Chapter 9);
– preparation of business (Chapter 10);
– settlement of business (Chapter 11);
– elections within the Riksdag (Chapter 12);
– Riksdag bodies and boards (Chapter 13); and
– the Riksdag Administration (Chapter 14).

Definitions

Art. 3. For the purposes of this Act, the following terms have the definitions set out in this article:

– *electoral period*: the time from the date on which the newly-elected Riksdag convenes to the date on which the Riksdag elected next thereafter convenes;

– *Riksdag session*: the period during which the Riksdag meets;

– *longest-serving member of those present in the Chamber*: if two or more members have served in the Riksdag for an equally long period, the elder of them has precedence;

– *group leader*: the special representative appointed by a party group which has received at least four per cent of the national vote in the elections to the Riksdag to confer with the Speaker in accordance with this Act;

– *plenary meeting*: a meeting of the Chamber at which committee reports and statements may be taken up for deliberation and settlement.

Chapter 2. Elections to the Riksdag

Contents of the chapter

Art. 1. This chapter contains provisions on elections to the Riksdag.

Time of ordinary elections

Art. 2. Ordinary elections to the Riksdag are held in September.

Extraordinary elections

Supplementary provision **2.2.1** Provisions concerning extraordinary elections to the Riksdag are laid down in Chapter 3, Article 11, and Chapter 6, Article 5 of the Instrument of Government.

Further provisions on elections

Art. 3. Further provisions on elections to the Riksdag are laid down in the Instrument of Government and in law.

Chapter 3. Riksdag sessions

Contents of the chapter

Art. 1. This chapter contains provisions on:
- Riksdag sessions after an election to the Riksdag (Articles 2–5),
- the opening of the Riksdag session (Article 6); and
- other provisions concerning Riksdag sessions (Articles 7–9).

Riksdag sessions after an election to the Riksdag

Start of the Riksdag session

Art. 2. A newly-elected Riksdag convenes for a new session in accordance with the provisions laid down in Chapter 3, Article 10 of the Instrument of Government.

Time of first meeting after an election

Supplementary provision **3.2.1** The first meeting of the Chamber in a Riksdag session after an election starts at 11 a.m. The members shall be informed of the time of the meeting.

First meeting

Art. 3. At the first meeting of the Chamber after an election to the Riksdag, the following shall take place in the order set out below:

1. a report from the Election Review Board concerning the examination of the election warrants of members and alternate members is presented;
2. a roll-call of members is taken;
3. a Speaker and First, Second and Third Deputy Speaker are elected for the electoral period; and
4. a Nominations Committee is appointed for the electoral period.

Chair of the first meeting after an election

Supplementary provision **3.3.1** The longest-serving member of those present in the Chamber presides over the meeting until the Speaker and Deputy Speakers have been elected.

Procedure for election of Speakers

Art. 4. In accordance with Chapter 4, Article 2 of the Instrument of Government, the Riksdag elects a Speaker and First, Second and Third Deputy Speaker. The Speakers are elected individually in the above order. They are elected for the duration of the electoral period.

If just one candidate has been nominated, the election is held by acclamation.

If there is more than one nominated candidate, and the election of the Speaker is held by secret ballot in accordance with the provisions in Chapter 12, the candidate obtaining more than half of the votes is elected. If no such majority is obtained, a new election is held. If no candidate receives more than half of the votes on this occasion either, a third election is held between the two candidates obtaining the highest number of votes in the second election. The person receiving the highest number of votes in the third election is elected.

Procedure for appointment of Nominations Committee

Art. 5. Each party group which corresponds to a party which obtained at least four per cent of the national vote in the elections to the Riksdag shall have a seat on the Nominations Committee. A further ten seats are distributed proportionately among the same party groups. The members are appointed on the basis of the procedure laid down in Chapter 12, Article 14.

Number of members in the Nominations Committee

Supplementary provision **3.5.1** The Speaker determines how many members each party group shall appoint to the Nominations Committee. In making the proportional distribution, the basis of calculation laid down in Chapter 12, Article 8, paragraph three, shall be applied.

The opening of the Riksdag session

Special meeting for the opening of the Riksdag session

Art. 6. A special meeting of the Chamber for the formal opening of a Riksdag session takes place no later than the third day of the session. At the request of the Speaker, the Head of State declares the Riksdag session open. If the Head of State is unable to attend, the Speaker declares the session open.

At this meeting, the Prime Minister delivers a statement of Government policy unless there are special grounds why he or she should refrain from doing so.

Time of meeting for the opening of the Riksdag session

Supplementary provision **3.6.1** The formal opening of the session after an election to the Riksdag takes place at 2 p.m. on the second day of the session.

In years in which no election to the Riksdag has been held, the formal opening takes place on the first day of the session at the same time.

The Speaker may appoint another time for the meeting.

Other provisions concerning Riksdag sessions

Length of the Riksdag session

Art. 7. A Riksdag session continues until the start of the next session.

Other Riksdag sessions during the electoral period

Art. 8. In years in which no ordinary election to the Riksdag is held, a new session starts on the date in September determined by the Chamber at the preceding session.

Proposal regarding time of first meeting

Supplementary provision **3.8.1** After conferring with the group leaders, the Speaker presents a proposal to the Chamber prior to a decision under Article 8.

Roll-call at other Riksdag sessions

Supplementary provision **3.8.2** The Speaker may also decide that a roll-call of members is to take place at the first meeting of the Chamber at other sessions during the electoral period. If no roll-call is held, a list of all members at the start of the Riksdag session shall be attached to the record of the meeting.

New Riksdag session after extraordinary election

Art. 9. If an extraordinary election has been announced prior to the date appointed, a new session starts in accordance with Article 8, provided the Riksdag convenes before 1 July the same year as a result of the extraordinary election.

Chapter 4. Direction and planning of the work of the Riksdag

Contents of the chapter

Art. 1. This chapter contains provisions on direction and planning of the work of the Riksdag.

The Speaker and Deputy Speakers

Art. 2. The Speaker, or in his or her place one of the Deputy Speakers, directs the work of the Riksdag.

Group leaders

Art. 3. Each of the party groups under Chapter 3, Article 5 shall appoint a special representative (group leader) to confer with the Speaker concerning the work of the Chamber, in accordance with provisions laid down in this Act.

The party groups shall appoint one or several personal alternates for the group leader (deputy group leaders).

Information about decisions made after conferral

Supplementary provision **4.3.1** Decisions made after conferral shall be made available to the members. This shall occur as determined by the Speaker.

The Riksdag Administration

Art. 4. The Riksdag Administration is led by a Board.

Provisions concerning the tasks of the Riksdag Administration are laid down in Chapter 14.

The Riksdag Board

Supplementary provision **4.4.1** The Riksdag Board directs the Riksdag Administration and deliberates on the planning of the work of the Riksdag.

The Riksdag Board consists of the Speaker as chair and ten other members whom the Riksdag appoints from among its members for the duration of the electoral period. The Riksdag also appoints ten deputies for the appointed members of the Riksdag Board.

Meetings of the Riksdag Board

Supplementary provision **4.4.2** The Riksdag Board convenes at a summons from the Speaker. If the Speaker is unable to attend a meeting, one of the Deputy Speakers will take his or her place as chair. The place of an absent member is taken by a deputy belonging to the same party group.

The Riksdag Board meets behind closed doors. If the Board wishes to obtain information from a person who is not a member of the Board, it may summon him or her to attend a meeting.

The Deputy Speakers, those of the group leaders who are not members of the Board, and the Secretary-General of the Riksdag may participate in the deliberations of the Board.

The Conference of Committee Chairs

Art. 5. The Conference of Committee Chairs deliberates on matters of common concern for the activities of the Chamber, the Riksdag committees and the Committee on European Union Affairs.

The Conference of Committee Chairs may summarise the outcome of its deliberations in the form of conclusions.

Composition of the Conference of Committee Chairs

Supplementary provision **4.5.1** The Conference of Committee Chairs consists of the Speaker, acting as chair, the Deputy Speakers, and the chairs of the Riksdag committees and the Committee on European Union Affairs.

If the Speaker is unable to attend a meeting, one of the Deputy Speakers will take his or her place as chair.

Information about the conclusions

Supplementary provision **4.5.2** The conclusions of the deliberations of the Conference of Committee Chairs shall be made available to the Riksdag committees and the Committee on European Union Affairs.

Chapter 5. The members of the Riksdag

Contents of the chapter

Art. 1. This chapter contains provisions on the mandate of members of the Riksdag.

Provisions regarding the mandate are also laid down in Chapter 4, Articles 10–13 of the Instrument of Government.

Remuneration

Art. 2. A member of the Riksdag is entitled to remuneration out of public funds for his or her mandate. More detailed provisions regarding remuneration and economic conditions, as well as repayment and adjustment of remuneration and other compensation for members of the Riksdag and alternate members are laid down in law.

Registration of commitments and financial interests

Supplementary provision **5.2.1** Provisions regarding registration of members' commitments and financial interests are laid down in the Act concerning the registration of MPs' commitments and financial interests (1996:810).

Registration and handling of gifts

Supplementary provision **5.2.2** Provisions regarding registration and handling of gifts received by members of the Riksdag are laid down in the Act concerning the registration and handling of gifts received by members of the Riksdag (2016:1117).

Leave of absence

Art. 3. A member of the Riksdag may be granted leave of absence from his or her duties. If a member has been granted leave of absence for at least one month, the member's duties shall be carried out by an alternate for the duration of his or her absence.

Examination of application for leave of absence

Art. 4. An application for leave of absence is considered by the Speaker, with the restrictions laid down in paragraph two.

An application for reasons other than illness or parental leave for a period of one month or more is considered by the Chamber.

If, however, an application is made during a break of more than one month in the work of the Chamber, the Speaker may determine whether leave shall be granted.

Contents of an application for leave of absence

Supplementary provision **5.4.1** An application for leave of absence shall be submitted in writing, shall include the reasons for the application and shall relate to a specific period. Applications shall be submitted to the Riksdag Administration.

Alternates

Art. 5. When an alternate member is to replace the Speaker, a member of the Riksdag who is a Government minister, or a member of the Riksdag who has been granted leave of absence, the Speaker shall summon the alternate to take up his or her duties. The Speaker shall follow the order of precedence between the alternates that is laid down in law. The Speaker may, however, depart from this order where special grounds exist.

Notification of alternates

Supplementary provision **5.5.1** An alternate member who is to exercise a mandate as a member of the Riksdag shall receive notification, indicating the member whom he or she will replace and the period of the appointment. An alternate may receive a separate notification of the date on which the appointment shall terminate.

Status of alternates in the case of a resignation by a member of the Riksdag

Art. 6. If a member of the Riksdag who is on leave of absence resigns his or her mandate, the alternate member who has been replacing that member shall continue to exercise the mandate until a new member has been appointed.

Prosecution or deprivation of liberty

Art. 7. In certain cases under Chapter 4, Article 12, paragraph one of the Instrument of Government, legal proceedings may not be initiated against a member of the Riksdag and neither may a member of the Riksdag be deprived of his or her personal liberty without the consent of the Riksdag. The same applies to former members of the Riksdag.

An application for the consent of the Riksdag shall be submitted by a prosecutor, or any other person wishing to initiate legal proceedings, to the Speaker.

If the application is so incomplete that it cannot be used as a basis for consideration by the Riksdag, or if the applicant has failed to demonstrate that he or she is competent to raise charges or apply for such action to be taken by a public authority, the Speaker shall reject the application. In any other case, the Speaker shall notify the matter to a meeting of the Chamber.

Application for consent

Supplementary provision **5.7.1** An application under Article 7 shall be submitted in writing and shall contain the grounds for the application.

Chapter 6. The Chamber

Contents of the chapter

Art. 1. This chapter contains provisions on:
– planning and direction of meetings (Articles 2–6);
– meetings (Articles 7–14);
– the right to speak at meetings (Articles 15–19);
– legislative debates (Articles 20–22);
– special debates (Article 23); and
– certain general matters (Articles 24–27).

Planning and direction of meetings

Planning

Art. 2. The Speaker determines the planning of the work of the Chamber and when the Chamber shall meet.

Conferral ahead of planning

Supplementary provision **6.2.1** Ahead of decisions under Article 2, the Speaker shall confer with the group leaders.

The Speaker

Art. 3. The Speaker presides over the meetings of the Chamber.

Assistance to the Speaker

Supplementary provision **6.3.1** When presiding over the meetings of the Chamber, the Speaker is assisted by a clerk of the Chamber.

Deputy Speaker

Art. 4. The Speaker may delegate to a Deputy Speaker the duty of presiding over a meeting.

Longest-serving member in the Chamber

Art. 5. If the Speaker and all the Deputy Speakers are unable to attend, the member among those present who has been a member of the Riksdag longest presides over the meeting.

Impartiality of the Speaker

Art. 6. The Speaker is debarred from speaking on the substance of any matter under deliberation which has been entered in the order paper. The same shall apply to the Deputy Speaker or member presiding over a meeting of the Chamber.

Meetings

Openness at meetings

Art. 7. Meetings of the Chamber are open to the public in accordance with the provisions laid down in Chapter 4, Article 9 of the Instrument of Government.

The Chamber may determine that a meeting shall be held behind closed doors, if necessary, with regard to the security of the country, or otherwise, with regard to relations with another state or an international organisation.

If the Government is to provide information to the Riksdag at a meeting, the Government may also determine, on the grounds given in paragraph two, that the meeting shall be held behind closed doors.

Duty of confidentiality

Art. 8. A member of the Riksdag may not improperly disclose anything that has occurred at a meeting of the Chamber held behind closed doors. The Chamber may decide to waive the duty of confidentiality, in whole or in part, in a particular case.

Summons

Art. 9. The Chamber convenes in response to a summons from the Speaker unless otherwise provided in the Instrument of Government or in this Act.

A summons shall be posted no later than 6 p.m. on the day prior to the meeting and at least fourteen hours in advance. In exceptional circumstances, a summons may be posted later. In such a case, the meeting shall take place only if more than half the members of the Riksdag consent to this.

Contents of a summons

Art. 10. The summons shall indicate whether the meeting is a plenary meeting at which committee reports and statements may be taken up for settlement.

Other information in a summons

Supplementary provision **6.10.1** The summons shall indicate if an election is to be held at the meeting.

Break in the work of the Chamber after a decision to call an extraordinary election

Art. 11. If the Government has decided to call an extraordinary election, the Speaker may determine in response to a request from the Government, that the work of the Chamber shall be suspended for the remainder of the electoral period.

Extraordinary meeting

Art. 12. The Speaker may decide to convene a meeting of the Chamber during a break in the work of the Chamber. Such a decision shall be taken if requested by the Government or by at least one hundred and fifteen members of the Riksdag.

A meeting shall be held within ten days from the submission of such a request. A meeting may only be held after all the members have been given reasonable time to turn up after being notified of the summons.

During a period in which plenary meetings are not normally planned, a plenary meeting may be held in less than 48 hours from the time members are notified of the summons only if at least three quarters of those entitled to vote and more than half of the members of the Riksdag vote in favour of settling the matter.

Notification of time for extraordinary meeting

Supplementary provision **6.12.1** Notice of the time of the first such meeting under Article 12 shall be published.

Order paper

Art. 13. The Speaker shall prepare an order paper for each meeting listing the matters for consideration at the meeting. An exception may be made for a matter which it is assumed will be dealt with behind closed doors. The order paper shall be made available to the members of the Riksdag.

The order paper shall indicate whether the meeting is a plenary meeting.

At the meeting, business and elections shall be dealt with in the order in which they appear on the order paper.

Motions that are to be entered as the first item on the order paper

Supplementary provision **6.13.1** Examination of a motion calling for a referendum on a matter of fundamental law, a question as to whether the Prime Minister has sufficient support in the Riksdag in accordance with Chapter 6, Article 3 of the Instrument of Government, a proposal for a new prime minister or a motion calling for a declaration of no confidence shall be entered as the first item on the order paper. If there are several such matters, they are taken in the order indicated above. The Speaker may determine another order between examination of a question in accordance with Chapter 6, Article 3 of the Instrument of Government and a motion calling for a declaration of no confidence.

Contents of the order paper

Supplementary provision **6.13.2** In addition to the provisions laid down in supplementary provision 6.13.1, the following shall be entered on the order paper:

1. elections;

2. government bills, written communications from the Government, submissions and reports from Riksdag bodies, private members' motions and documents from the EU which are to be referred to a committee;

3. committee reports and statements from committees which are to be tabled, debated or settled, or if a committee or the Speaker have proposed that a matter shall be taken up for settlement after a shorter period than that laid down in Chapter 11, Article 2, paragraph one;

4. decisions and information about any changes in the composition of the members of the Riksdag;

5. other decisions to be taken by the Chamber;

6. notice of specially-arranged debates;

7. extracts of records of committee meetings under Chapter 10, Article 3, paragraph three; and

8. other questions to the extent determined by the Speaker.

In addition, notice that a minister intends to deliver an oral statement at a meeting of the Chamber should be entered in the order paper. If possible, a motion calling for a draft law to be held in abeyance for twelve months shall be included in the order paper.

Decision to terminate or adjourn a meeting

Art. 14. A decision to terminate or adjourn a meeting in progress is taken by the Chamber without prior deliberation.

Right to speak at meetings of the Chamber

Right to speak

Art. 15. Every member of the Riksdag and every minister shall be entitled to speak freely at a meeting on all matters under deliberation and on the legality of all that takes place at the meeting, with the exceptions laid down in this Act.

Restrictions on the right to speak

Art. 16. A person who has the floor shall confine his or her contribution to the matter under deliberation. Should anyone offend against this provision and fail to comply with the Speaker's admonition, the Speaker may debar him or her from speaking for the remainder of the debate.

No speaker at a meeting may speak inappropriately of another person, use personally insulting language, or otherwise behave in word or deed in a way that contravenes good order. Should anyone offend against this provision, the Speaker may debar him or her from speaking for the remainder of the deliberations.

Rules for the Chamber

Supplementary provision **6.16.1** After conferring with the group leaders, the Speaker may decide to adopt rules for the Chamber.

Declaration of office by the Head of State

Art. 17. The Head of State may deliver a declaration of office before the Chamber.

Oral information from the Government

Art. 18. The Government may provide information to the Riksdag by means of an oral statement delivered by a minister at a meeting of the Chamber.

Disqualification

Art. 19. No one may be present at a meeting when a matter is being deliberated which personally concerns himself or herself or a close associate.

A minister may however participate in the deliberation of a matter concerning the performance of his or her official duties.

Legislative debates

Arrangement of debates

Art. 20. The Speaker shall confer with the group leaders concerning the arrangement of debates in the Chamber.

Limitations during debates

Art. 21. The Riksdag may prescribe a limit the number of contributions a speaker may make during the deliberation of a matter and the duration of such contributions in a supplementary provision of this Act. A distinction may be made in this connection between different categories of speakers.

Such limitation of the right to speak as referred to in paragraph one may be made in conjunction with the deliberation of a particular issue in response to a proposal from the Speaker. The decision is taken without prior deliberation.

Every person wishing to speak on a matter shall however be entitled to speak for at least four minutes.

Notice of wish to speak in a debate

Supplementary provision **6.21.1** A contribution by a member who has not given prior notice of his or her wish to participate in a debate shall be limited to four minutes, unless the Speaker allows an extension. A further contribution by a member who has already spoken during the deliberation of a particular matter shall be limited to two minutes.

Notice shall be given to the Riksdag Administration no later than 4.30 p.m. on the day prior to the meeting at which the deliberations will commence. Such notice shall indicate the expected duration of the contribution.

The rules laid down in paragraphs one and two shall not apply when a reply is given to an interpellation or a question.

Order of speakers

Art. 22. The Speaker shall determine the order of speakers from among those giving notice before the deliberation of a particular matter that they wish to speak. Members asking leave to speak during the deliberations shall speak in the order in which they give notice to this effect.

Irrespective of the order of speakers, and without prior notice, the Speaker may:

1. give the floor to a minister who has not previously spoken; and
2. give the floor to a minister or a member who has previously spoken for the purpose of making a rejoinder to the speech of a previous speaker.

After conferring with the group leaders, the Speaker may decide to give the floor to a minister or a member for a rejoinder before he or she has made his or her contribution. A distinction may be made in this connection between different categories of speakers.

Possibility for a minister to speak

Supplementary provision **6.22.1** Irrespective of the order of speakers and without having given prior notice, a minister who has not spoken previously in the deliberation of a particular matter may be given the floor for a contribution of no more than ten minutes.

Rejoinders

Supplementary provision **6.22.2** A rejoinder shall be requested during an ongoing contribution. The duration of a rejoinder may not exceed two mi-

nutes unless the Speaker permits an extension to four minutes on special grounds. Each speaker may make two rejoinders to the same contribution. If the Speaker has already given a member leave to make a rejoinder, he or she shall be allowed to make the rejoinder before a minister makes a contribution breaking into the order of speakers.

Concurrence

Supplementary provision **6.22.3** Irrespective of the order of speakers, a member may indicate his or her concurrence with a preceding speaker in the course of the deliberation of an issue without stating his or her reasons.

Special debates

Specially-arranged debates

Art. 23. After conferring with the group leaders, the Speaker may determine that a debate on matters unconnected with other business under consideration shall take place at a meeting of the Chamber. Such a debate may be restricted to one particular subject or may be divided up according to subject and restricted to different categories of speakers.

Time for contributions at a specially-arranged debate

Supplementary provision **6.23.1** After conferring with the group leaders, the Speaker shall determine the duration of contributions at a specially-arranged debate.

Certain general matters

Records

Art. 24. A verbatim record shall be kept of proceedings in the Chamber. No one may speak off the record. A decision may not be altered when the record has been confirmed.

The record of meetings of the Chamber and associated documents shall be made publicly available, unless secrecy is required.

Preliminary record

Supplementary provision **6.24.1** A statement made at a meeting shall be made available in readable form without delay (preliminary record). If the speaker has registered no complaint against the preliminary record by 12 noon of the third working day following the meeting, he or she shall be presumed to have approved it.

If the speaker adjusts the preliminary record, he or she should sign the adjustment.

Confirmation of the record

Supplementary provision **6.24.2** A record is confirmed by the Chamber within three weeks of the meeting. A record which cannot be confirmed within that period shall be confirmed within one month, or at a time determined by the Speaker.

When a record is confirmed, a member is entitled to request correction of the record in respect of a statement which has been approved by another member under 6.24.1.

Seats in the Chamber

Art. 25. Each member shall have his or her own appointed place in the Chamber. Special places shall also be provided for the Speaker, Deputy Speakers and ministers.

Placing in the Chamber

Supplementary provision **6.25.1** Members sit in order of constituency in the Chamber.

Place for speaking in the Chamber

Supplementary provision **6.25.2** A speaker shall address the Chamber from one of the rostrums or from his or her appointed place in the Chamber.

The public

Art. 26. Special places shall be provided in the Chamber for the general public.

Rules for visitors

Supplementary provision **6.26.1** A visitor to the public gallery shall surrender, on request, his or her outdoor clothing, bags, and any objects that can be used to create a disturbance in the Chamber. A person who fails to comply with such a request may be refused admission to the public gallery. Personal possessions thus surrendered shall be stored in special accommodation for the duration of the visit.

Rules concerning security checks are laid down in the Act on Security Checks in the Riksdag (SFS 1988:144).

Members of the public who create a disturbance

Art. 27. A member of the public who creates a disturbance may be removed from the Chamber immediately. In the event of disorder developing among the public, the Speaker may have all the members of the public removed.

Chapter 7. The Riksdag committees and the Committee on EU Affairs

Contents of the chapter

Art. 1. This chapter contains provisions on:

– elections (Articles 2–4);

– responsibilities of the Riksdag committees and allocation of matters (Articles 5–11);

– EU business (Articles 12–14); and

– meetings (Articles 15–21).

Elections

Riksdag committees

Art. 2. The Riksdag shall elect from among its members, for each electoral period, a Committee on the Constitution, a Committee on Finance, a Committee on Taxation and as many other committees as are required for the work of the Riksdag. The elections apply for the duration of the electoral period.

The Riksdag may also elect committees during the electoral period to serve no longer than the remainder of the electoral period.

Which committees are elected

Supplementary provision **7.2.1** The Riksdag shall elect the following fifteen committees not later than the eighth day following the first meeting of the Chamber in the electoral period of the Riksdag in the order listed below:

1. a Committee on the Constitution;
2. a Committee on Finance;
3. a Committee on Taxation;
4. a Committee on Justice;
5. a Committee on Civil Affairs;
6. a Committee on Foreign Affairs;
7. a Committee on Defence;
8. a Committee on Social Insurance;
9. a Committee on Health and Welfare;
10. a Committee on Cultural Affairs;
11. a Committee on Education;
12. a Committee on Transport and Communications;
13. a Committee on Environment and Agriculture;
14. a Committee on Trade and Industry; and
15. a Committee on the Labour Market.

Election of additional committees

Supplementary provision **7.2.2** If the Riksdag elects any additional committee, it shall indicate the committee's primary responsibilities.

The Committee on European Union Affairs

Art. 3. The Riksdag shall elect from among its members for each electoral period a Committee on European Union Affairs (Committee on EU Affairs) to confer with the Government under Chapter 10, Article 10 of the Instrument of Government.

Members of the Riksdag committees and the Committee on European Union Affairs

Art. 4. The Riksdag committees and the Committee on EU Affairs shall consist of an odd number of members, but no fewer than fifteen.

At meetings of the Committee on EU Affairs, each party group represented on the Committee has the right to substitute for one member of the Committee a member of the committee within whose remit the matter falls.

This right does not, however, apply to a party group which already has a member or deputy member on the Committee who is also a member of the Riksdag committee concerned.

Decisions regarding number of members

Supplementary provision **7.4.1** The number of members in the Riksdag committees and Committee on EU Affairs is determined by the Riksdag in response to a proposal from the Nominations Committee.

Responsibilities of the committees and allocation of matters

Allocation of matters between the Riksdag committees

Art. 5. In addition to the provisions laid down in Articles 8, 9 and 10, the Riksdag prescribes by means of a supplementary provision the principles according to which matters shall be allocated among the Riksdag committees. Matters falling within the same subject area shall be referred to the same committee.

The Riksdag may, however, determine that there shall be a committee for the preparation of matters concerning legislation under Chapter 8, Article 2, paragraph one of the Instrument of Government, irrespective of subject area.

Committees' subject areas

Supplementary provision **7.5.1** The appendix to this Act lays down the various subject areas for which the Riksdag committees are responsible, in addition to those laid down in Articles 8, 9 and 10.

Sharing of matters between Riksdag committees

Art. 6. The Budget Bill may be shared between two or more Riksdag committees. Other matters may be shared only where there are special grounds for doing so.

Joint committees

Art. 7. Two or more committees may decide to prepare a matter jointly through deputies on a joint committee.

Responsibilities and subject areas of the Committee on the Constitution

Art. 8. The Committee on the Constitution shall prepare matters concerning the fundamental laws and the Riksdag Act.

The Committee shall monitor the application in the Riksdag of the principle of subsidiarity under Chapter 9, Article 20, paragraph two and report its observations to the Chamber once a year.

Further provisions concerning the responsibilities of the Committee are laid down in the Instrument of Government and in this Act.

Responsibilities and subject areas of the Committee on Finance

Art. 9. The Committee on Finance shall prepare matters concerning:

1. general guidelines for economic policy and for the determination of the central government budget; and

2. the activities of the Riksbank.

The Committee shall also:

1. prepare proposals for decisions on the central government budget in accordance with Chapter 11, Article 18, paragraphs three and five;

2. examine estimates of central government revenue and the annual report for the central government sector;

3. coordinate the Riksdag's decisions concerning the central government budget; and

4. follow up and evaluate the activities of the Riksbank.

Further provisions concerning the responsibilities of the Committee are laid down in the Instrument of Government and in this Act.

Subject areas of the Committee on Taxation

Art. 10. The Committee on Taxation shall prepare matters concerning central government and local government taxation.

Departures from the allocation of matters

Art. 11. The Riksdag may depart from the principles thus established for the allocation of matters among committees, with the exception of Article 8, paragraph one, if this is deemed necessary in a particular case, having regard to the interdependence of different matters, the particular nature of a matter, or working conditions.

Under the circumstances laid down in paragraph one, a Riksdag committee may transfer a matter to another Riksdag committee, provided this committee consents. The committee transferring the matter may deliver an opinion in the matter to the receiving committee in conjunction with the transfer.

EU business

Government's deliberations with the committees in matters concerning EU business

Art. 12. The Government shall deliberate with the committees in matters concerning European Union business decided by the committees.

If requested by at least five members of a committee, the committee shall decide to hold deliberations with the Government under paragraph one. The committee may reject such a request if deliberation would delay consideration of the matter so as to cause serious detriment. In such a case, the committee shall enter in the record its reasons for rejecting the request.

Committees' obligation to monitor EU business

Art. 13. The committees shall monitor the work of the European Union within their respective subject areas.

Government's consultation with the Committee on EU Affairs

Art. 14. The Government shall inform the Committee on EU Affairs of matters which are to be decided by the Council of the European Union. The Government shall also consult the Committee regarding the conduct of negotiations in the Council prior to decisions in the Council.

The Government shall consult the Committee on EU Affairs prior to meetings and decisions of the European Council.

Interparliamentary cooperation in the EU

Art. 14a. The Riksdag participates through the members of the Riksdag committees and the Committee on EU Affairs in interparliamentary cooperation between the national parliaments in the member states of the European Union and with the European Parliament.

Meetings

Time of meetings of the Riksdag committees and the Committee on EU Affairs

Art. 15. The Riksdag committees and the Committee on EU Affairs convene as required by the work of the Riksdag.

Summons

Supplementary provision **7.15.1** The Riksdag committees and the Committee on EU Affairs convene for the first time within two days from their appointment in response to a summons from the Speaker. Thereafter, the Riksdag committees and Committee on EU Affairs are convened by their chairs. The chair shall summon the members to a meeting if so requested by at least five members of the Riksdag committee or Committee on EU Affairs.

A summons shall be sent to all members and deputy members. The summons should be posted no later than 6 p.m. on the day prior to the meeting.

The Committee on Finance shall also be convened by the Speaker in response to a request from the Government, for purposes under Chapter 9, Article 5 of the Instrument of Government.

Head of a meeting pending the election of a chair

Supplementary provision **7.15.2** Pending the election of a chair, the member from among those present who has been a member of the Riksdag longest presides.

Committee meetings at the same time as meetings of the Chamber

Supplementary provision **7.15.3** If the committee has made a unanimous decision in advance, the committee may meet during a plenary meeting or an election in the Chamber. However, the committee may not concurrently hold such public meetings as are referred to in Article 17. In other cases, committee meetings may take place at the same time as meetings of the Chamber.

Records

Supplementary provision **7.15.4** A record shall be kept of meetings of the Riksdag committees and meetings of the Committee on EU Affairs.

Statements in the Committee on EU Affairs

Supplementary provision **7.15.5** A legible record shall be kept of what is said during the Government's consultations with the Committee on EU Affairs.

Meetings behind closed doors

Art. 16. The Riksdag committees and the Committee on EU Affairs shall meet behind closed doors. The Riksdag committees and the Committee on EU Affairs may permit a person other than a member, deputy member or official of the Committee also to be present at a meeting behind closed doors. At meetings of the Committee on EU Affairs and deliberations in the Riksdag committees on EU business under Article 12, no decision is required for a minister or an official accompanying a minister to be present.

Remote participation

Supplementary provision **7.16.1** Where exceptional grounds exist, the Riksdag or the Speaker may decide that remote participation in committee meetings may be permitted. If such a decision has been taken, a Riksdag committee may allow a member or deputy member to participate remotely in a meeting.

Where special grounds exist, the Committee on EU Affairs may allow a member or deputy member to participate remotely in a meeting.

A member or deputy member who participates remotely shall be considered to be present at the meeting.

The chair of the meeting may not participate remotely.

Meetings that are open to the public

Art. 17. A Riksdag committee may decide that a meeting shall be open to the public, in respect of that part of it which relates to information-gathering or deliberations on EU business under Article 12.

The Committee on EU Affairs may decide that a meeting shall be open to the public, in whole or in part.

A representative of a central government authority shall not be obliged, during a public part of a meeting, to provide information which is subject to secrecy rules at the authority.

Sound or video recordings at meetings that are open to the public

Supplementary provision **7.17.1** Sound or video recordings may be made of a public part of a meeting of a Riksdag committee or the Committee on EU Affairs unless otherwise decided by the Committee.

The public

Art. 18. Special seats shall be provided for the general public at a public part of a meeting of a Riksdag committee or the Committee on EU Affairs.

Rules for visitors

Supplementary provision **7.18.1** Visitors shall, on request, surrender their outdoor clothing, carrying bags, and any objects capable of being used to create a disturbance at the meeting. A person who fails to comply with such a request may be refused admission to the meeting. Personal possessions thus surrendered shall be stored in special accommodation for the duration of the visit.

Rules concerning security checks are laid down in the Act on Security Checks in the Riksdag (SFS 1988:144).

Members of the public who create a disturbance

Art. 19. A member of the public who creates a disturbance may be removed from the Chamber immediately. In the event of disorder developing among the public, the Speaker may have all the members of the public removed.

Duty of confidentiality

Art. 20. A member or a deputy member of a Riksdag committee or the Committee on EU Affairs may not improperly disclose any matter which, according to a decision by the Government, a Riksdag committee or the Committee on EU Affairs, shall be kept secret with regard to the security of the country or for any other reason of exceptional importance arising out of relations with another state or an international organisation.

Disqualification

Art. 21. No one may be present at a meeting of a committee when a matter is being deliberated which personally concerns himself or herself or a close associate.

Chapter 8. Interpellations and questions to ministers

Contents of the chapter

Art. 1. This chapter contains provisions on:
- interpellations (Articles 2–4);
- written questions (Articles 5–7); and
- Question Time (Article 8).

Interpellations

Contents of interpellations

Art. 2. An interpellation shall be submitted in writing and addressed to a specific minister. It shall deal with a specific subject and shall include the reasons for the interpellation.

Decisions concerning interpellations

Art. 3. The Speaker determines whether an interpellation may be introduced. If the Speaker considers that an interpellation conflicts with fundamental law or with this Act, he or she shall refuse to allow the interpellation to be introduced, stating the reasons for the decision.

If the Chamber requests nevertheless that the interpellation be introduced, the Speaker shall refer the matter to the Committee on the Constitution for decision. The Speaker shall allow the interpellation if the Committee on the Constitution has declared that it does not conflict with fundamental law or with this Act.

The practical handling of interpellations

Supplementary provision **8.3.1** An interpellation is submitted to the Riksdag Administration.

The Speaker notifies a meeting of the Chamber without delay of his or her decision whether or not to allow the interpellation to be introduced. If the Speaker allows the interpellation to be introduced, he or she forwards it to the minister without delay.

The interpellation shall be entered in the record of the proceedings in the Chamber.

Withdrawal of interpellations

Supplementary provision **8.3.2** An interpellation may be withdrawn until such time as the minister has given a reply.

Replies to interpellations

Art. 4. An interpellation shall be answered by a minister within two weeks from its referral to the minister. If, as a result of the planning of the work of the Chamber, interpellations cannot be answered during a certain week, the period is extended until it is possible to deliver a reply.

If no reply is given within the period indicated in paragraph one, or if no reply will be delivered, the minister shall inform the Chamber of his or her reasons for this. A statement of this nature shall not give rise to a debate.

An interpellation lapses if no reply is delivered during the electoral period in which it was introduced.

Times for delivery of replies

Supplementary provision **8.4.1** After conferring with the minister, the Speaker determines the meeting at which a reply will be delivered. If the reply cannot be delivered within the time specified in Article 4, paragraph one, the Speaker shall also confer with the interpellant before the Speaker determines the meeting at which the reply shall be delivered.

A draft reply to an interpellation may be distributed to members in advance.

Interpellation debate

Supplementary provision **8.4.2** An oral reply to an interpellation may be of no more than six minutes' duration. The minister is entitled to a further three contributions, of which the first two may be of no more than four minutes' duration each, and the third of no more than two minutes' duration.

The interpellant is entitled to make no more than three contributions, of which the first two may be of no more than four minutes' duration each, and the third of no more than two minutes' duration.

Other speakers are entitled to make no more than two contributions, of which the first may be of no more than four minutes' duration, and the second of no more than two minutes' duration.

A speaker shall inform the Chamber of his or her wish to speak during the first round.

Written questions

Content of written questions

Art. 5. A written question to a minister may include a brief introductory explanation. The question shall deal with a specific subject.

Decisions concerning written questions

Art. 6. The Speaker determines whether a written question may be introduced. If the Speaker considers that a written question conflicts with fundamental law or with this Act, he or she shall refuse to allow the question to be introduced, stating the reasons for the decision.

If the Chamber requests nevertheless that the question be introduced, the Speaker shall refer the matter to the Committee on the Constitution for decision. The Speaker shall allow the question if the Committee on the Constitution has declared that it does not conflict with fundamental law or with this Act.

The practical handling of written questions

Supplementary provision **8.6.1** A written question is submitted to the Riksdag Administration. The Speaker notifies a meeting of the Chamber without delay of his or her decision whether or not to allow the question to be introduced. If the Speaker allows the question to be introduced, he or she forwards it to the minister without delay.

Withdrawal of written questions

Supplementary provision **8.6.2** A written question may be withdrawn until such time as the minister has given a reply.

Replies to written questions

Art. 7. A written question receives a written reply from a minister. If no reply is delivered within the period specified in a supplementary provision, the minister shall inform the Riksdag Administration of when the question will receive a reply, or that no reply will be given.

Deadline for replies to written questions

Supplementary provision **8.7.1** A written question that is delivered no later than 10 a.m. on Thursday shall receive a reply no later than 12 noon on the following Wednesday. Should the work situation of the Riksdag so require, the Speaker may determine, after conferring with the group leaders, that the reply shall instead be given within fourteen days after the question was delivered.

The written reply is delivered to the Riksdag Administration, which forwards it to the member who submitted the question.

Record of written questions and replies

Supplementary provision **8.7.2** Written questions and ministers' replies to questions shall be entered in the record of proceedings in the Chamber.

Question time

Oral questions

Art. 8. An oral question to a minister is put forward at a special Question Time in the Chamber. The question shall deal with a specific subject.

It receives an immediate reply from a minister.

The Speaker determines who shall have the floor at Question Time and may decide to limit contributions to no more than one minute.

Planning of Question Time

Supplementary provision **8.8.1** Question Time is held every Thursday in weeks in which the Chamber meets.

Should the work situation of the Riksdag so require, the Speaker may determine that Question Time shall be held on some other day than Thursday or that it shall be cancelled.

The Government Offices shall inform the Riksdag Administration in good time which ministers will be attending Question Time. Notice to this effect shall be given in the manner determined by the Speaker.

Chapter 9. Introduction of business

Contents of the chapter

Art. 1. This chapter contains provisions on:

– business introduced by the Government (Articles 2–9);
– business introduced by members of the Riksdag (Articles 10–15);
– business introduced by Riksdag bodies (Articles 16–19);
– business introduced by means of documents from the EU and documents within the framework of interparliamentary cooperation (Article 20);
– information about the EU (Articles 21–23);
– other matters to be dealt with by the Riksdag (Articles 24 and 25); and
– certain general matters (Articles 26 and 27).

Business introduced by the Government

Government bills

Art. 2. The Government submits a proposal to the Riksdag in the form of a government bill.

A government bill shall include the government minutes in the matter, an account of the preparation of the matter and the reasons for the proposal. Bills containing proposals for legislation shall include the opinion of the Council on Legislation, where relevant.

Submission of government bills

Supplementary provision **9.2.1** A government bill is submitted to the Riksdag Administration. It is notified at a meeting of the Chamber after having been made available to members.

Times for submission of bills

Art. 3. In response to a proposal from the Speaker, the Riksdag determines the latest date on which bills which, in the Government's view, should be considered during the current Riksdag session may be submitted. If a particular date is prescribed in this Act, that date however applies.

A decision under paragraph one does not apply:

1. If, pursuant to law, the Government seeks the approval of the Riksdag for a statutory instrument which has already been issued; or

2. If the Government considers that exceptional grounds exist for submitting a bill at a later date.

Conferral in order to prevent accumulation of business

Art. 4. The Government should time the submission of its bills so as to prevent an accumulation of business in the Riksdag. The Government shall confer with the Speaker in this connection.

Bills concerning the central government budget

Art. 5. The Government shall submit a bill setting out proposals for central government revenue and expenditure for the budget year (Budget Bill). The central government budget year coincides with the calendar year.

The Budget Bill shall contain a budget statement and a budget proposal. Unless otherwise decided by the Riksdag by law under Chapter 11, Article 18, the Budget Bill shall include an allocation of appropriations to the expenditure areas that have been determined.

A bill relating to central government revenue or expenditure for the coming budget year may be submitted subsequent to the Budget Bill only if the Government considers that exceptional economic policy grounds exist for such action.

A bill containing proposals for a new or significantly increased appropriation, or guidelines under Chapter 9, Article 6 of the Instrument of Government for central government activities covering a period exceeding that to which the appropriation for the activity relates, should contain an estimate of future costs connected with the activity to which the proposal relates. If a proposal concerning an appropriation is based on a plan covering a period exceeding the period for which the appropriation has been calculated in the bill, the plan should be described.

Submission of the Budget Bill

Supplementary provision **9.5.1** The Budget Bill shall be submitted no later than 20 September.

In years in which an election to the Riksdag is held in August or September, the Budget Bill shall instead be submitted no later than:

– three weeks from the date on which the Riksdag establishes, by means of a vote in accordance with Chapter 6, Article 3 of the Instrument of Government, that the Prime Minister has sufficient support in the Riksdag; or

– three weeks from the date on which a new Government takes office in the event of a change of Government.

Notwithstanding the provisions in paragraph two, the Budget Bill shall be submitted no later than 15 November in years in which this date falls on Monday–Thursday, and in other cases no later than the Thursday immediately before 15 November. The Budget Bill need never be submitted before 20 September.

Spring Fiscal Policy Bill

Supplementary provision **9.5.2** The Government shall submit a bill no later than 15 April each year setting out proposals for guidelines for future economic and budget policy (the Spring Fiscal Policy Bill).

Expenditure areas

Supplementary provision **9.5.3** Central government expenditure shall be referred to the following expenditure areas: 1 Governance; 2 Economy and financial administration; 3 Taxes, customs and enforcement; 4 Justice; 5 International cooperation; 6 Defence and contingency measures; 7 International development cooperation; 8 Migration; 9 Health care, medical care and social services; 10 Financial security for those with illnesses and disabilities; 11 Financial security for the elderly; 12 Financial security for families and children; 13 Integration and gender equality; 14 Labour market and working life; 15 Financial support for students; 16 Education and academic research; 17 Culture, the media, religious communities and leisure activities; 18 Planning, housing provision, construction and consumer policy; 19 Regional development; 20 Climate, environment and nature; 21 Energy; 22 Transport and communications; 23 Land-and water-based industries, rural areas and food; 24 Industry and trade; 25 General grants to local government; 26 Interest on central government debt, etc.; and 27 Contribution to the European Union.

Decisions relating to the purposes and activities to be included in an expenditure area are taken in conjunction with decisions relating to the Spring Fiscal Policy Bill.

Further provisions on the budget process

Supplementary provision **9.5.4** Further provisions concerning the budget process are laid down in the Swedish Budget Act (2011:203).

Government bills with proposals for amendments to the central government budget

Art. 6. With the exceptions laid down in paragraph two, the Government may submit a bill with proposals for amendments to the central government budget at the most on two occasions during the budget year.

Bills with proposals for amendments to the central government budget may only be submitted on other occasions if the Government finds special grounds for doing so.

Submission of government bills with proposals for amendments to the central government budget

Supplementary provision **9.6.1** Such bills as are referred to in Article 6, paragraph one shall be submitted in connection with the Budget Bill or the Spring Fiscal Policy Bill.

Written communications

Art. 7. The Government may submit information to the Riksdag in the form of written communications.

Submission of written communications

Supplementary provision **9.7.1** A written communication from the Government is submitted to the Riksdag Administration. It is notified at a meeting of the Chamber after having been made available to members.

Written communications about measures taken in response to Riksdag decisions

Art. 8. Each year the Government shall submit to the Riksdag a written communication presenting the measures taken by the Government in response to communications submitted by the Riksdag to the Government.

Written communications concerning the work of commissions appointed by government decision

Art. 9. The Government shall report to the Riksdag in a written communication delivered each year concerning the work of the commissions appointed by government decision.

Business introduced by members

Private members' motions

Art. 10. Members of the Riksdag submit proposals to the Riksdag in the form of private members' motions.

Proposals on matters of varying nature shall not be combined in one and the same private member's motion.

Submission of private members' motions

Supplementary provision **9.10.1** A private member's motion shall be submitted to the Riksdag Administration no later than 4.30 p.m. on the last day on which motions may be submitted. It should indicate the party to which the member submitting the motion belongs.

Private members' motions are notified at a meeting of the Chamber.

General private members' motions period

Art. 11. Once a year, private members' motions may be introduced on any question falling within the jurisdiction of the Riksdag (the general private members' motions period).

Unless otherwise determined by the Riksdag in response to a proposal from the Speaker, the general private members' motions period runs from the start of a Riksdag session which opens in August, September or October, and continues as long as private members' motions may be introduced in response to the Budget Bill.

Private members' motions arising out of government bills etc.

Art. 12. A private member's motion arising out of a government bill, a written communication, a submission or a report from a Riksdag body other than a committee may be introduced as part of the matter no later than fifteen days from the date on which the matter was notified to the Chamber.

Amended period during which private members' motions may be introduced

Art. 13. If a bill or submission must be dealt with promptly, the Riksdag may, if it finds that there are exceptional grounds for so doing, decide to curtail the period during which private members' motions may be introduced, in response to a proposal from the Government or the Riksdag body which made the submission.

Where special grounds exist, the Riksdag may decide, in response to a proposal from the Speaker, to extend the period during which private members' motions may be introduced.

Proposal to extend the period during which private members' motions may be introduced

Supplementary provision **9.13.1** A proposal to extend the period during which private members' motions may be introduced must be submitted not later than the second meeting following the meeting at which the bill, written communication, submission or report was notified to the Chamber. A decision in favour of an extension is taken no later than the next following meeting.

Private members' motions arising out of a deferral

Art. 14. If consideration of a government bill, a written communication from the Government or a submission or report has been deferred from one electoral period to the next, private members' motions arising therefrom may be introduced within seven days from the start of the new electoral period.

Private members' motions arising out of an occurrence of major significance

Art. 15. Private members' motions arising out of an occurrence of major significance may be introduced jointly be at least ten members, if the event could not have been foreseen or taken into account during the general private members' motions period or any other period for the introduction of private members' motions laid down in this Chapter.

Business introduced by Riksdag bodies

Committee initiatives

Art. 16. A Riksdag committee is entitled to introduce proposals in the Riksdag on any subject falling within its remit (committee initiative). A committee initiative takes the form of a committee report, in accordance with the provisions that apply to committee reports in general.

The Committee on Finance is entitled, for purposes of economic policy, to introduce proposals in the Riksdag also on a matter falling within the remit of another committee.

The right of Riksdag bodies to make submissions

Art. 17. Riksdag bodies including the Riksdag Board, the General Council and Executive Board of the Riksbank, the Parliamentary Ombudsmen and the National Audit Office may make submissions to the Riksdag in matters concerning the competence, organisation, personnel or working procedures of the body concerned.

The Riksdag may prescribe that the Riksdag Board, the General Council and Executive Board of the Riksbank and the Parliamentary Ombudsmen may make submissions to the Riksdag also in other cases.

Special provisions concerning reports to the Riksdag from a Riksdag body are laid down in law.

The provisions of paragraph one also apply to the Auditor General as well as the Deputy Auditor General of the National Audit Office. Further provisions concerning such submissions are laid down in law.

Preparation of submissions

Art. 17a. Before the Riksdag Board makes a submission to the Riksdag, it shall obtain necessary information and opinions.

Opinion of the Council on Legislation

Art. 17b. Before the Riksdag Board makes a submission to the Riksdag it shall, under the conditions laid down in Chapter 8, Article 21 of the Instrument of Government, obtain the opinion of the Council on Legislation. In addition to the reasons laid down in Chapter 8, Article 21, paragraph three of the Instrument of Government, the Riksdag Board may refrain from obtaining the opinion of the Council on Legislation should it consider that such an opinion should instead be obtained from the committee within whose remit the matter falls.

If the Riksdag Board has not obtained the opinion of the Council on Legislation, it shall give the grounds for this in its submission.

Submission of submissions or reports

Supplementary provision **9.17.1** A submission or report from a Riksdag body is submitted to the Riksdag Administration. It is notified at a meeting of the Chamber after having been made available to members.

Submissions from the Riksdag Board

Supplementary provision **9.17.2** The Riksdag Board may make submissions to the Riksdag on issues concerning the conduct of Riksdag business, issues coming within the Board's remit or concerning economic-administrative legislation relating to the Riksdag Administration, Parliamentary Ombudsmen or the National Audit Office.

Before the Riksdag Board makes a submission concerning economic-administrative legislation relating to the Riksdag Administration, Parliamentary Ombudsmen or the National Audit Office, the authority concerned shall be given the opportunity to comment on the matter.

The Board may also in other cases make submissions to the Riksdag on issues concerning the Riksdag or Riksdag bodies, if the submissions are based on proposals emanating from commissions appointed by the Board on instructions from the Riksdag.

Reports about measures taken in response to Riksdag decisions

Supplementary provision **9.17.3** Each year the Riksdag Board shall submit to the Riksdag a written communication presenting the measures taken by the Board in response to communications from the Riksdag submitted to the Board.

Submissions from the General Council and Executive Board of the Riksbank

Supplementary provision **9.17.4** The General Council and Executive Board of the Riksbank may make submissions to the Riksdag within their areas of competence.

Submissions from the Parliamentary Ombudsmen

Supplementary provision **9.17.5** Each individual Parliamentary Ombudsman may make submissions to the Riksdag on account of an issue which has arisen in their supervisory activities. Further provisions concerning such submissions are laid down in the Act containing Instructions for the Parliamentary Ombudsmen (2023:499).

Reports from the Auditor General

Supplementary provision **9.17.6** The Auditor General may submit reports to the Riksdag concerning audit statements relating to the annual report for the central government sector, the Riksbank and the Riksbanken Jubileumsfond.

Auditor General's reports

Art. 18. The Auditor General delivers his or her audit reports on the performance audit to the Riksdag. The Auditor General also delivers the annual report containing the most significant observations from the performance audits and the annual report to the Riksdag.

The reports are submitted to the Riksdag Administration. They are notified at a meeting of the Chamber after having been made available to the members of the Riksdag.

The annual reports and audit reports relating to the activities of the Riksdag Administration and public authorities under the Riksdag are delivered in the form of reports.

Other reports are delivered by the Speaker to the Government or the Riksdag committee concerned.

Written communications from the Government arising out of reports from the Auditor General

Art. 19. The Government shall submit a written communication to the Riksdag for each audit report submitted to the Government, giving an account of the measures the Government has taken or intends to take in response to the observations of the report. If the Government has taken or intends to take similar measures in response to several audit reports, however, the Government may deliver a written communication covering several audit reports to the Riksdag.

The written communication from the Government shall be delivered to the Riksdag within four months of the Government receiving the report. When calculating the respite, July and August shall not be counted.

Business introduced by means of documents from the EU and documents within the framework of interparliamentary cooperation in the EU

EU business

Art. 20. The Speaker determines, after conferring with the party group leaders, that a document from the European Union, with the exception of draft legislative acts, and documents within the framework of interparliamentary cooperation in the Union, shall be considered by the Riksdag.

The Riksdag shall examine whether a draft legislative act from the European Union conflicts with the principle of subsidiarity.

The Riksdag shall approve or reject initiatives from the European Council to decide on an authorisation for the Council to amend the decision-making procedure in a particular area or in a particular case from unanimity to a qualified majority or from a special legislative procedure to the ordinary legislative procedure. In the same manner, the Riksdag shall approve or reject proposals from the European Commission to specify aspects of family law that have cross-border consequences and that can be the subject of legislative acts adopted in accordance with the ordinary legislative procedure.

Information about the EU

Information from the Government about the work of the EU

Art. 21. In accordance with Chapter 10, Article 10 of the Instrument of Government, the Government shall keep the Riksdag continuously informed concerning developments within the framework of European Union cooperation.

The Government shall account to the Riksdag concerning its actions in the European Union and shall submit a written communication annually to the Riksdag reporting activities in the European Union.

Information from the Government about documents from the EU

Art. 22. The Government shall inform the Riksdag of its position regarding the documents put forward by the institutions of the European Union to the Riksdag and which the Government deems significant.

Information about the work of the European Union from the Union's institutions

Art. 23. The Riksdag receives written information about work in the European Union from the Union's institutions in accordance with treaties and the protocols to the treaties.

Other matters dealt with by the Riksdag

Notification of decisions held in abeyance and exceptions from a respite

Art. 24. The Committee on the Constitution shall notify to the Chamber for final approval decisions on matters of fundamental law or relating to the Riksdag Act which have been held in abeyance over an election. If, under provisions of the Instrument of Government, the procedure laid down for the amendment of fundamental law or of the Riksdag Act shall be applied in any other case, the decision which is being held in abeyance shall be notified by the committee within whose remit the matter falls.

The Committee on the Constitution shall furthermore notify the Chamber of a decision concerning an exception from the respite prescribed for the introduction of a proposal which shall be taken in accordance with the procedure laid down in Chapter 8, Article 14 of the Instrument of Government.

Motions calling for a referendum on a matter of fundamental law or for a declaration of no confidence

Art. 25. A motion calling for a referendum on a matter of fundamental law or for a declaration of no confidence shall be put forward at a meeting of the Chamber. The motion shall be submitted in writing as soon as it has been put forward.

Certain general matters

Withdrawals

Art. 26. A government bill, written communication from the Government, submission, report or private member's motion may be withdrawn until such time as a committee report has been presented on the matter. A draft law held in abeyance for a minimum of twelve months under Chapter 2, Article 22, paragraph one of the Instrument of Government may be withdrawn until a new committee report has been presented under Chapter 10, Article 6, paragraph three of this Act.

If a government bill, written communication, submission or report has been withdrawn, private members' motions arising out of these documents shall lapse.

If a government bill, written communication, submission or report has been withdrawn, private members' motions arising out of the withdrawal may be introduced within seven days from the date on which the withdrawal was notified to the Chamber.

Handling of withdrawals

Supplementary provision **9.26.1** Withdrawal of a government bill, written communication, submission or report shall take the form of a written communication which is submitted to the Riksdag Administration.

A withdrawal of a private member's motion is submitted in writing to the Riksdag Administration. The Speaker cancels government bills, written communications, submissions, reports and private members' motions which have been withdrawn, or which have lapsed as a result of a withdrawal. The Speaker's decision is notified to the Chamber.

Calculation of statutory time limits

Art. 27. The provisions generally applying to the calculation of statutory time limits shall apply also to time limits within which action shall be taken under a provision of this Chapter.

Chapter 10. Preparation of business

Contents of the chapter

Art. 1. This chapter contains provisions on the Riksdag committees' preparation and consideration of business.

Mandatory preparation of business and tabling

Art. 2. Government bills, written communications from the Government, submissions, reports, private members' motions and EU documents indicated in Chapter 9, Article 20 shall be referred by the Chamber to a committee for preparation. The same applies to applications under Chapter 5, Article 7, for consent to prosecution or deprivation of liberty which have been notified in the Chamber.

Before a matter is referred to a committee for preparation, it shall be tabled at a meeting of the Chamber, unless the Chamber decides on immediate referral.

Mandatory consideration of business

Art. 3. The committees shall deliver reports to the Chamber on Government bills, written communications from the Government, submissions, reports from a Riksdag body other than a committee and private members' motions which have been referred to them, or have been submitted from another committee.

The committees shall deliver statements on the EU documents indicated in Chapter 9, Article 20, paragraphs one and three and which have been referred to them or have been submitted from another committee.

Concerning matters relating to subsidiarity in accordance with Chapter 9, Article 20, paragraph two, if a committee considers that the draft conflicts with the principle of subsidiarity, it shall deliver a statement to the Chamber with a proposal that the Riksdag should send a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission. The committee shall also deliver a statement to the Chamber if no fewer than five members of the committee so request. Otherwise, the committee shall report to the Chamber by means of an extract from the record that the draft legislation does not conflict with the principle of subsidiarity.

Preparation of matters arising in the Riksdag

Art. 4. Before a committee either completely or partially supports a motion that the Riksdag should approve a law, or raises such a proposal through a committee initiative, the committee should gather all the necessary information and opinions, provided there are no exceptional reasons against doing so. This also applies to proposals affecting the central government budget. If the committee has not gathered information or opinions, the committee shall in its committee report give reasons for this.

Before a committee either completely or partially supports a motion or raises a proposal through a committee initiative, the Committee on Finance shall be given the opportunity to give an opinion if the proposal can entail substantial future repercussions on public expenditures and revenues.

Opinion of the Council on Legislation

Art. 5. Provisions concerning the committees' obligation to obtain the opinion of the Council on Legislation are laid down in Chapter 8, Article 21 of the Instrument of Government.

If the committee has not obtained an opinion from the Council on Legislation, the committee shall give reasons for this in its committee report.

The Committee on the Constitution may provide an explanation to the effect that Chapter 2, Article 22, paragraph one of the Instrument of Government is not applicable concerning a specific legislative proposal only after the Council on Legislation has submitted its opinion.

Consideration of deferred matters or matters held in abeyance

Art. 6. Committee reports on matters that have been deferred to the next electoral period in accordance with the provisions in Chapter 11, Articles 15, 16 and 20 shall be delivered by the committees appointed by the newly elected Riksdag.

When notifying the Chamber of a decision held in abeyance under Chapter 9, Article 24, a committee shall submit a report on the matter.

If a draft law has been held in abeyance for a minimum of twelve months under Chapter 2, Article 22, paragraph one of the Instrument of Government, the committee shall deliver a new report on the matter.

Decisions of the Committee on Finance

Supplementary provision **10.6.1** A decision of the Committee on Finance on a matter under Chapter 9, Article 5 of the Instrument of Government shall be reported to the Government in a written communication from the committee.

Cooperation between committees

Art. 7. A committee may give another committee the opportunity to state its opinion in a matter falling within the remit of another committee.

Obligation of a central government authority to furnish information and deliver opinions to a committee

Art. 8. A central government authority shall furnish information and deliver opinions to a committee that so requests, unless it follows otherwise from Chapter 7, Article 17, paragraph three. An authority which is not an authority under the Riksdag may refer a request from a committee to the Government for decision.

The Government's obligation under this Article to furnish information and deliver opinions to a committee is limited partly to matters relating to work in the European Union, and partly to the audit reports on the performance audit from the Auditor General and Deputy Auditor General which have been submitted to the Government.

Protection of minorities in committees

Art. 9. A committee shall obtain information or an opinion under Articles 4, 7 or 8, if, during the consideration of a matter, at least five of its members so request. If the matter relates to work in the European Union or such reports from the Auditor General or the Deputy Auditor General as mentioned in Chapter 9, Article 18 and Chapter 13, Article 5, such a request may be put forward unconnected with the consideration of a matter.

If requested by at least five members of a committee, a committee that has been given the opportunity to state its opinion to another committee under Article 7 shall deliver an opinion.

The committee may reject a request for information or an opinion under paragraph one or two if the request has been put forward during the consideration of a matter, and the committee concludes that the action requested would so delay consideration of the matter that serious detriment would

result. The committee shall state in its report or statement its reasons for rejecting such a request. If a request under paragraph two has been rejected, the committee shall give the reasons in its record.

Information necessary in certain EU business

Art. 10. When preparing a statement under Article 3, paragraph two, the committee shall obtain the necessary information from the Government.

Within two weeks from the day the committee so requests, the Government shall inform the committee of its assessment regarding the application of the principle of subsidiarity to the current draft legislative act under Article 3, paragraph three.

Voting at a committee meeting and the right to append a reservation

Art. 11. Voting in a committee shall be by open ballot. In the event of a tied vote, the opinion of the chair shall prevail.

A member who loses a vote in a committee may append a reservation or statement, with a motion, to the committee's report or statement. If the vote relates to the committee's position in a statement of opinion to another committee, the member may append a dissenting opinion to the statement of opinion. The report, statement or statement of opinion may not, however, be delayed as a result.

Special statement of opinion

Art. 12. In a report, statement or statement of opinion delivered to another committee, a member may explain his or her position in a special statement of opinion.

Chapter 11. Settlement of business

Contents of the chapter

Art. 1. This chapter contains provisions on:

– necessary conditions for settlement of business (Articles 2–6);
– procedure for decisions in the Chamber (Articles 7–14);
– when matters are to be settled (Articles 15–17);
– special procedures for certain business (Articles 18–20);
– communications on Riksdag decisions (Article 21).

Necessary conditions for settlement of business

Availability of committee reports and statements

Art. 2. A report or statement from a committee shall be available to members no later than two days before the matter in question is to be considered.

The report or statement shall be notified to the Chamber and tabled at a meeting before it is settled.

The Riksdag may decide, in response to a proposal from the committee or the Speaker, that the matter may be settled despite it having been available for less time than stated in paragraph one.

Time at which committee reports and statements shall be made available

Supplementary provision **11.2.1** The committee report or statement shall be available to members no later than 3 p.m. on the day stated in Article 2, paragraph one.

Proposal for settlement of a matter that has been available for a shorter time

Supplementary provision **11.2.2** A proposal under Article 2, paragraph three shall be notified to the Chamber in connection with the consideration of the report or statement. Before the Speaker raises such a proposal, he or she shall confer with the chair and deputy chair of the committee.

Tabling and time for settlement of certain matters

Art. 3. A motion calling for a referendum on a matter of fundamental law or a declaration of no confidence shall be tabled at the meeting at which it is put forward and subsequently at one other meeting before it is settled. The matter shall be settled no later than at the third meeting after the motion was put forward.

A proposal from the Speaker for a new prime minister shall be tabled at the meeting at which it is put forward and then at one further meeting before it may be settled. The matter shall, in accordance with the provisions in Chapter 6, Article 4, paragraph two of the Instrument of Government, be settled on the fourth day after the day the proposal was put forward.

Introduction of motions

Art. 4. A committee moves adoption of a proposal in a matter by means of a committee report or statement.

A member who wishes to move adoption or rejection of a proposal or proposed decision which is considered in a committee report or a statement shall introduce the motion during the deliberations.

Referral back and referral to another committee

Art. 5. A matter on which a committee has delivered a report or a statement shall be referred back to the committee by the Chamber for further preparation if at least one third of those voting concur in a motion to this effect. The same matter may not be referred back more than once under this Article.

The Chamber may also refer the matter to another committee for further preparation. If a motion for referral to another committee and a motion for referral back to the same committee are put forward concurrently, the motion for referral back shall be considered first. If the motion for referral back is approved, the motion for referral to another committee lapses.

Necessary conditions for settlement of matters

Art. 6. A matter under deliberation may not be taken up for settlement until the Chamber has declared the debate closed, in response to a proposal from the Speaker.

A report or statement from a committee may be taken up for settlement only at a meeting which has been notified in the summons and entered in the order paper as a plenary meeting.

Procedure for decisions in the Chamber

Putting questions for decision

Art. 7. The Speaker puts the questions for decision, based on the motions which have been put forward during deliberations.

If the Speaker considers that a motion conflicts with fundamental law or with this Act, he or she shall decide not to put the question, stating the reasons for the decision. If the Chamber requests the question be put, the matter shall be referred to the Committee on the Constitution for decision. If the Committee has declared that a motion does not conflict with fundamental law or with this Act, the Speaker shall put the question.

The provisions laid down in paragraph two concerning examination of the constitutionality of a motion shall not apply to the question whether Chapter 2, Article 22, paragraph one of the Instrument of Government is applicable to a particular draft law.

Settlement

Art. 8. A matter is settled by acclamation or, if a member so requests, by holding a vote.

If a special procedure rule is to be applied under Article 14, the matter must be settled by means of a vote.

If necessary, settlement of a matter shall be divided up into separate part-decisions.

Settlement by acclamation

Art. 9. When a matter is to be settled by acclamation, the Speaker shall put to the question the motions that have been put forward in the course of the deliberations, and which can be weighed up against each other. The question shall be worded in such a way that it can be answered with a 'Yes' or 'No'. The Speaker declares what he or she understands to be the result, and confirms the decision by striking his or her gavel, unless a member calls for a vote.

Settlement by means of a vote

Art 10. When a matter is to be settled by means of a vote, the motions that have been put forward during the deliberations shall be weighed up against each other. The motion which in the Speaker's view has been adopted by acclamation, or the motion determined by the Speaker, constitutes the principal proposal for the vote. A second motion is put up against this principal proposal to act as a counter-proposal.

If there is more than one motion which can be put up against the principal proposal, the Riksdag shall first in one or more preparatory decisions determine which motion shall constitute the counter-proposal in the main vote.

Voting is by open ballot. Under the rule laid down in Chapter 4, Article 7 of the Instrument of Government, the proposal which obtains the support of more than half the members voting constitutes the decision of the Riksdag, unless otherwise provided in the Instrument of Government or in this Act. The Speaker announces the result of the vote and confirms the decision by striking his or her gavel.

Voting procedure

Supplementary provision **11.10.1** A vote is carried out at a previously established point in time or after due warning.

When a vote is taken, the Speaker formulates the proposal on which the vote will be taken. If a special procedure rule under Article 14 is to be applied in a particular case, this shall be stated in the proposal put to the vote. The proposal which is to be put to the vote is read out and submitted to the Chamber for approval.

The vote shall be taken electronically or, when this cannot be done, by means of a call of names.

Count of votes when a vote is taken electronically

Supplementary provision **11.10.2** When a vote is taken electronically, the way each member votes is registered.

Count of votes when a vote is taken by a call of names

Supplementary provision **11.10.3** When a vote is taken by means of a call of names, the Speaker calls upon two members to record the vote. The Deputy Speakers are called up first, followed by the other members according to constituency. Responses must be one of the following: 'Yes', 'No', 'Abstain'. When a vote is taken, the way each member votes is registered.

Voting by having the members rise in their places

Supplementary provision **11.10.4** If the Speaker deems it appropriate, a vote may instead be taken by having the members rise in their places. If the result of such a vote is unclear or if a member calls for a count, a new vote shall be taken electronically or by means of a call of names.

Procedure when a vote is taken by having the members rise in their places

Supplementary provision **11.10.5** When a vote is taken by having the members rise in their places, the Speaker calls first on those members wishing to vote 'Yes' to rise and calls thereafter on members wishing to vote 'No' to rise.

A tied vote when a preparatory vote is taken

Art. 11. If the vote is tied in a preparatory vote concerning which motion shall constitute the counter-proposal, the outcome is determined by lot.

A tied vote when the main vote is taken

Art. 12. If the vote is tied when the main vote is taken, the matter shall be tabled in its entirety for a new vote on the next occasion a decision is to be taken.

If the vote is tied at the next vote, the Speaker shall put the proposal that the matter be referred back to the committee for further preparation. The matter shall be referred back if at least half of those voting concur. If the matter is not referred back, it shall be determined by lot.

After the matter has been referred back, it shall be taken up again in its entirety for consideration. In the event of a tied vote when the main vote is taken, the matter shall be determined by lot.

Referral back of a legislative matter settled by means of part-decisions

Art. 13. If the settlement of a legislative matter has been divided up into two or more part-decisions, the Chamber may decide immediately, after the last part-decision and in response to a proposal from the Speaker or from a member, that the matter shall be referred back to the committee for further preparation. If the Riksdag decides to refer the matter back, the part-decisions are null and void.

The same matter may not be referred back more than once under this Article.

Settlement under a special procedure rule

Art. 14. If more than one proposal has been put forward for decision, for which another procedure applies than for decisions in general, the Chamber shall first select one of the proposals in accordance with the rules generally in force. A decision is taken thereafter as to whether the chosen proposal shall be adopted or rejected, in accordance with the procedure rule that applies to the proposal. This procedure is applied even when there are several measures of draft legislation which are mutually incompatible and a motion has been put forward for one of them to be held in abeyance for a minimum of twelve months under Chapter 2, Article 22, paragraph one of the Instrument of Government.

If two or more motions are put forward concurrently which call for a referendum on the same measure of fundamental law which is being held in abeyance over an election, or which call for a declaration of no confidence in respect of the same minister, only one vote is taken.

When matters are to be settled

Time frame for settlement of matters

Art. 15. A matter shall be settled in the electoral period in which it is introduced. The Riksdag may, however, decide that consideration of the matter may be deferred to the first parliamentary session of the next electoral period.

A matter relating to the central government budget for the next following budget year shall be settled before the start of the budget year, if settlement cannot be deferred without detriment to adoption of the central government budget.

Decisions concerning deferral

Supplementary provision **11.15.1** A decision that the consideration of a matter may be deferred to the first parliamentary session of the next electoral period is taken by the Riksdag as proposed by the committee within whose remit the matter falls. The Riksdag may also decide on deferral without any such proposal.

Deferral of settlement in special cases

Art. 16. A matter that is introduced during the period when the Chamber is not meeting that continues until the first parliamentary session of the next electoral period shall be regarded as being deferred to the first parliamentary session of the next electoral period. The same applies if the Chamber is not meeting as a result of a decision by the Speaker in connection with the calling of an extraordinary election.

Final settlement of a matter held in abeyance over an election

Art. 17. A matter which has been held in abeyance over an election under the rules laid down in Chapter 8, Articles 14 to 17 of the Instrument of Government shall be settled at the first parliamentary session of the electoral period within which a final decision may first be taken under the rules, provided the matter has not already been rejected. The Riksdag may decide to defer settlement to another parliamentary session. The matter shall, however, be settled finally before the next ordinary election to the Riksdag.

In the case of deferral due to an extraordinary election, the rules laid down in Article 16 shall be applied.

If a proposal for an amendment of fundamental law held in abeyance over an election, or any other decision which shall be taken in accordance with the same procedure is rejected in a referendum, the relevant committee shall notify the matter to the Chamber.

Proposal for a decision on deferral of a matter held in abeyance over an election

Supplementary provision **11.17.1** A decision concerning deferral of a final decision on a matter held in abeyance over an election in accordance with the provisions in Article 17, paragraph one shall be taken on the basis of a proposal from the relevant committee.

Special procedures for certain matters

Decisions relating to the central government budget

Art. 18. Decisions relating to the central government budget shall be made in accordance with paragraphs two to six, unless otherwise laid down in law by the Riksdag.

The central government budget for the next following budget year is determined in two stages.

In the first stage a single decision is taken to establish:

1. an estimate of revenues under the central government budget;

2. the highest figure to which the expenditure falling within each expenditure area may amount (expenditure limit);

3. an estimate of other payments that affect central government borrowing; and

4. decisions relating to the budget policy objectives decided by the Riksdag.

After a decision has been taken under paragraph three, a single decision is taken in a second stage to establish appropriations for each expenditure area as well as authorisations of financial commitments.

Amendments to the central government budget are determined by means of a single decision. Only in the case of very extensive amendments are decisions taken in two stages, in accordance with paragraphs three and four.

Legislative proposals that are clearly connected to the central government budget and which are submitted in, or in connection with a bill relating to the central government budget shall be included in one of the decisions under paragraphs three to five.

Preliminary estimates of revenue and expenditure limits

Supplementary provision **11.18.1** In the case of decisions under Article 18, paragraph three, preliminary estimates of revenue and expenditure limits are established for the second and third budget years thereafter.

A motion calling for a draft law to be held in abeyance

Art. 19. A motion under Chapter 2, Article 22, paragraph one of the Instrument of Government calling for a draft law to be held in abeyance for a minimum of twelve months may be put forward when the committee report on the draft law has been tabled.

If at the same time a motion under paragraph one and a motion that the proposal shall be rejected have been put forward, the motion calling for the proposal to be rejected shall be examined before the proposal is put to a vote for immediate adoption.

Written motion calling for a draft law to be held in abeyance

Supplementary provision **11.19.1** A motion calling for a draft law to be held in abeyance for at least twelve months shall be put forward in writing.

A vote on whether a draft law is to be held in abeyance

Supplementary provision **11.19.2** If a motion has been put forward calling for a draft law to be held in abeyance for at least twelve months, and when put to the vote the majority necessary for immediate adoption is not obtained, the proposal shall be referred to the Committee on the Constitution for examination in accordance with Chapter 2, Article 22, paragraph three of the Instrument of Government, provided the Committee on the Constitution has not already delivered an opinion on the matter.

If the Committee on the Constitution has declared the procedure to be applicable, the Riksdag shall reconsider whether the proposal shall be re-

jected or adopted immediately. In any other case the matter shall be referred back to the committee which prepared it.

Settlement of draft law held in abeyance

Art. 20. A draft law that has been held in abeyance for twelve months under Chapter 2, Article 22, paragraph one of the Instrument of Government shall be examined before the end of the following calendar year.

If another draft law is closely connected with legislation held in abeyance under paragraph one of the provisions referred to above, the Riksdag may, on the basis of a proposal from the committee within whose remit the matter falls, determine that it shall be settled within the time applying to the examination of the draft law held in abeyance.

If a matter under this Article cannot be settled within the time prescribed due to the calling of an extraordinary election, it shall be settled as soon as possible after the newly-elected Riksdag convenes.

Notice of Riksdag decisions

Written communications from the Riksdag

Art. 21. If a Riksdag decision calls for executive action, the body responsible for executing the decision is informed by means of a written communication. Riksdag decisions on account of a government bill or a submission shall always be communicated to the Government or the Riksdag body putting forward the submission by means of a written communication.

The Riksdag shall inform the Presidents of the European Parliament, the Council and the Commission of its decision to provide a reasoned opinion concerning the principle of subsidiarity by means of a written communication.

The Riksdag shall inform the Presidents of the European Parliament, the Council and the Commission of its decision to reject an initiative or a proposal by means of a written communication in accordance with Chapter 9, Article 20, paragraph three.

Signing of written communications from the Riksdag

Supplementary provision **11.21.1** Written communications from the Riksdag are signed by the Speaker.

Chapter 12. Elections in the Riksdag

Contents of the chapter

Art. 1. This chapter contains provisions on:

– conditions for election and eligibility (Articles 2–5);

– forms of election (Articles 6–10);

– appeals (Articles 11 and 12);

– what happens if the mandate of a member of the Riksdag is terminated (Articles 13–15); and

– elections in Riksdag committees and other Riksdag bodies (Articles 16 and 17).

Conditions for election and eligibility

Nominations committee

Art. 2. Elections in the Riksdag shall be prepared by a special Nominations Committee appointed from within the Riksdag, unless otherwise prescribed.

Elections not to be prepared by the Nominations Committee

Supplementary provision **12.2.1** The Nominations Committee does not prepare the election of a Regent, a Deputy Regent, a person who shall hold office as a Regent ad interim, the Speaker or the Deputy Speakers. Nor does the Nominations Committee prepare any election which according to any provision in this Act shall be prepared in accordance with a special procedure.

Summons to meetings

Supplementary provision **12.2.2** The Nominations Committee meets the same day as it is appointed following a summons from the Speaker. Thereafter, the Nominations Committee meets when summoned by the Chair.

The provisions of Chapter 7, Article 16, supplementary provisions 7.15.1, paragraph two and 7.15.2 to 7.15.4 also apply to the Nominations Committee.

Requirement for Swedish citizenship

Art. 3. Only a Swedish citizen may hold a post appointed by election of the Riksdag.

Obligation to remain in service

Art. 4. A person elected to a post may not leave the post without the Riksdag's consent.

Times and validity of elections

Art. 5. An election relating to a period corresponding to the electoral period of the Riksdag shall be held as soon as possible after the start of the electoral period and be valid until the Riksdag holds a new election in the next electoral period, unless otherwise prescribed.

Forms of election

Election of incumbent of a particular post

Art. 6. If the incumbent of a particular post is to be elected separately, the election shall be held by acclamation.

The election shall be held by secret ballot, however, if a member so requests. If only one person is to be elected, that person is elected who obtains the most votes, unless otherwise prescribed in this Act. In the event of a tied vote, the election is decided by lot. Provisions on the procedure for election by secret ballot are laid down in supplementary provisions.

If the body or group responsible for preparing the election has put forward a unanimous proposal, the election by secret ballot shall not be held until a later meeting.

Election of several persons on an agreed list

Art. 7. At elections of two or more persons, the Nominations Committee may present an agreed list. The list shall contain as many names as there are persons to be elected and shall be approved by all the members participating in the meeting of the Nominations Committee or by all save one. The Speaker shall present the agreed list to the Chamber and, if it is adopted, declare the persons listed to be elected.

Election shall be by secret ballot, if so requested by at least as many members as correspond to the figure obtained if the sum total of members entitled to vote is divided by the number of persons to whom the election relates, increased by one. If the figure obtained is not a whole number, it is rounded up to the next higher whole number. This election shall be held at a later meeting.

Election by secret ballot

Art. 8. Elections shall be held by secret ballot unless otherwise prescribed in Article 6 or 7 or another main provision of this Act.

If two or more persons are to be elected by secret ballot, the seats are distributed proportionately among all the groups of members of the Riksdag participating under a particular designation in the election (proportional election).

The seats are distributed between the groups by allocating them one by one to the group with the highest comparison figure on each occasion. The comparison figure is identical with the number of votes obtained by the group as long as it has not been allocated a seat. The comparison figure is calculated thereafter by dividing the votes obtained by the group by the number of seats the group has already been allocated, increased by one. When the comparison figures are tied, the matter is decided by lot.

Procedure for election by secret ballot

Supplementary provision **12.8.1** At an election by secret ballot, the Speaker shall call upon three members to assist at the opening and examination of the ballot papers and two to record the votes.

The members are called up in the manner prescribed in supplementary provision 11.10.3. and hand their ballot paper to the Speaker.

When all the ballot papers found to be valid have been read out by the Speaker and have been recorded by the clerk of the Chamber and the two members, their notes are compared.

The Speaker establishes the result of the election and announces it to the Chamber.

Procedure for several elections by secret ballot

Supplementary provision **12.8.2** If two or more elections are to be held by secret ballot, the Speaker may determine that the ballot papers for all the

elections shall be delivered before a count is taken in any of the elections, unless otherwise requested by a member.

The form of ballot papers and when they are invalid

Supplementary provision **12.8.3** Ballot papers shall be single sheets, folded and unmarked, and shall be identical in size, material and colour. They may include information concerning the election to which they apply.

A ballot paper is invalid if it carries any distinguishing mark clearly placed upon it with deliberate intent.

If a member submits more than one ballot paper in an election, these ballot papers are invalid. If, however, the ballot papers are identical in content, one ballot paper shall be deemed valid in the count.

Ballot papers at proportional elections

Supplementary provision **12.8.4** At a proportional election, the ballot paper shall designate in words a particular group of members of the Riksdag. The names are listed consecutively, one after the other, following this designation.

A ballot paper is invalid if it:

1. lacks a designation of a member's group;
2. carries more than one such designation; or
3. lacks the name of an eligible candidate.

A name on a ballot paper shall be regarded as null and void if:

1. the candidate is not eligible;
2. the name has been crossed out;
3. it is not clear who is intended; or
4. the order of precedence between that name and another name on the ballot paper is not clearly apparent.

The order of precedence between candidates' names in each members' group shall be determined by calculating comparison figures for the candidates applying the method laid down in Chapter 14, Section 10 of the Elections Act (2005:837). If several candidates obtain the same comparison figure, the election is decided by lot.

Ballot papers for the election of one person

Supplementary provision **12.8.5** When one person is to be elected, there shall be one name on the ballot paper.

A ballot paper is invalid if:

1. it contains the names of two or more candidates;
2. it contains the name of a candidate who is not eligible;
3. the name has been crossed out;
4. it is not clear who is intended; or
5. it contains the designation of a group of members of the Riksdag.

Election of deputy members

Art. 9. If two or more persons are to be elected, at least as many deputy members as there are ordinary members shall also be elected, unless other-

wise prescribed. The provisions relating to the election of ordinary members apply also to elections of deputy members.

After election for a Riksdag body, the Riksdag may approve a change in the number of deputy members, provided the deputy members are no fewer in number than the ordinary members.

An alternate member of the Riksdag who has been summoned to take up duty may be appointed a deputy member of a committee of which the absent member is a member, without increasing the number of deputy members of the committee. In such a case, the procedure laid down in Article 14 still applies.

Election of an increased number of deputy members

Supplementary provision **12.9.1** Matters concerning the election of an increased number of deputy members that exceeds the number originally elected are prepared by the Nominations Committee. Elections of deputy members necessitated by an increase in the number of deputy members shall be held as soon as possible.

Number of deputy members

Supplementary provision **12.9.2** The same number of deputy members shall be appointed as there are ordinary members, unless otherwise prescribed or specially determined.

Attendance by deputy members

Art. 10. An elected member of a Riksdag body shall be replaced in his or her absence by a deputy member belonging to the same party group, unless otherwise prescribed. If this is not possible, deputy members have precedence in the order in which they were elected, or, if the election was held using an agreed list, in the order in which their *names* were listed.

Appeals

Appeals against elections by secret ballot

Art. 11. Appeals against elections by secret ballot may be lodged by a member of the Riksdag with the Election Review Board. The election is valid irrespective of any appeal.

Procedures for appeals

Supplementary provision **12.11.1** An appeal shall be made in writing and be addressed to the Election Review Board, but it shall be submitted to the Riksdag Administration. The appeal shall be submitted to the Riksdag Administration within five days from the day on which the result of the election was announced in the Chamber.

When the appeal period has expired, the Speaker shall notify a meeting of the Chamber of all the appeals received. The Speaker shall determine when comments concerning the appeals may be submitted to the Election Review Board.

When the period during which comments may be submitted has expired, the Speaker shall forward the appeal documents to the Election Review Board immediately. The Speaker should promptly submit his or her own opinion concerning the appeals to the Election Review Board.

Decision by the Election Review Board

Supplementary provision **12.11.2** If it finds in its examination of an appeal that a provision of Article 6, paragraph two or of supplementary provisions 12.8.1 to 12.8.5 has been set aside in the election, the Election Review Board shall declare an election null and void and order a re-election.

A re-election shall however be ordered only if it can be assumed with justification that what occurred has affected the result of the election.

If the error can be rectified by means of a recount or any other less intrusive measure, the Election Review Board shall instead direct the Speaker to effect the necessary rectification.

Storage of ballot papers, etc.

Supplementary provision **12.11.3** Ballot papers and other election material shall be held in safekeeping until the election result takes effect.

Re-election after appeal

Art. 12. If a new member has taken his or her seat in the Riksdag due to the revision of a Riksdag election result on appeal, elections held by the Riksdag earlier in the electoral period shall be held again if so requested by at least ten members of the Riksdag.

What happens if the mandate of a member of the Riksdag is terminated

Ineligibility

Art. 13. When a member of the Riksdag leaves the Riksdag or is appointed Speaker or government minister, the assignments for which membership of the Riksdag is a prerequisite and to which the member has been elected by the Riksdag cease, unless otherwise prescribed.

If a member of the Riksdag leaves his or her party group, the assignments of the member in any bodies or delegations specified in a supplementary provision to this Article cease.

Assignments that cease when a member of the Riksdag leaves his or her party group

Supplementary provision **12.13.1** The assignments referred to in Article 13, paragraph two are assignments in:

– Riksdag committees;

– the Committee on European Union Affairs;

– the Delegation to the Joint Parliamentary Scrutiny Group on the European Agency for Law Enforcement Cooperation (Europol);

– the Delegation to the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly;

– the Delegation to the Parliamentary Assembly of the Council of Europe;

– conventions for treaty amendments within the European Union;
– the War Delegation;
– the Swedish Delegation to the Nordic Council;
– the General Council of the Riksbank;
– the Riksdag Council for the National Audit Office;
– the Riksdag Appeals Board;
– the Riksdag Board;
– the Advisory Council on Foreign Affairs; and
– the Nominations Committee.

Election of successor to a body

Art. 14. If a person who has been elected to a body which at the start of the electoral period was appointed by means of an election of two or more persons resigns his or her appointment ahead of time, the party group or groups for which he or she was elected shall notify the Speaker of the name of a successor. The Speaker shall declare the person nominated as a successor to be elected. If no name is put forward, or if more than one person is nominated, the Speaker appoints a successor.

Supplementary election

Art. 15. If a seat becomes vacant ahead of time and the original election related to only one person, an election shall be held for the remaining period. The same procedure is applied for a supplementary election as for the original election.

Elections in Riksdag committees and other Riksdag bodies

Elections of chair to a Riksdag body

Art. 16. A body whose members are appointed by the Riksdag in whole or in part shall elect from among its members a chair and one or more deputy chairs, unless otherwise prescribed.

Elections within Riksdag bodies

Art. 17. Elections within a body under Article 16 are held by acclamation or by secret ballot, if a member so requests. In the event of a tied vote, the election is decided by lot.

The form of ballot papers

Supplementary provision **12.17.1** Ballot papers shall be single sheets, folded and unmarked, and shall be identical in size, material and colour.

Chapter 13. Riksdag bodies and boards

Contents of the chapter

Art. 1. This chapter contains provisions on:
– the Parliamentary Ombudsmen (Articles 2–4);
– the National Audit Office (Articles 5–8);

– the Advisory Council on Foreign Affairs and the War Delegation (Articles 9–12);
– boards (Articles 13–17);
– delegations to international organisations (Article 18);
– other assignments appointed by election in the Riksdag (Articles 20–23); and
– prosecution (Article 24).

The Parliamentary Ombudsmen

Organisation and responsibilities of the Parliamentary Ombudsmen

Art. 2. The Riksdag elects Ombudsmen under Chapter 13, Article 6 of the Instrument of Government to supervise the application of laws and other statutes in public activities.

The Parliamentary Ombudsmen shall be four in number, one Chief Parliamentary Ombudsman and three Parliamentary Ombudsmen. The Chief Parliamentary Ombudsman shall act as administrative director. In addition, the Riksdag may elect one or more Deputy Ombudsmen. A Deputy Ombudsman shall have held office as a Parliamentary Ombudsman or shall have gone into retirement from a position as a Justice of the Supreme Court or the Supreme Administrative Court.

The Parliamentary Ombudsmen and Deputy Ombudsmen may not hold any office or assignment or engage in any activity that may impair confidence in the Ombudsmen's professional impartiality or that may damage the reputation of their activities.

The Committee on the Constitution's conferral with the Ombudsmen

Supplementary provision **13.2.1** The Committee on the Constitution shall confer with a Parliamentary Ombudsman on working procedures and other matters of an organisational nature, at the request of one of the Parliamentary Ombudsmen. Such conferral may also take place at the initiative of the Committee on the Constitution.

The Parliamentary Ombudsmen's duty to report

Supplementary provision **13.2.2** The Parliamentary Ombudsmen and Deputy Ombudsmen shall report in writing to the Riksdag any employment, assignment or activities which might be presumed to affect the performance of their duties as ombudsmen.

Election of Ombudsmen

Art. 3. The Parliamentary Ombudsmen and Deputy Ombudsmen are elected individually. In the case of elections by secret ballot, the same procedure is applied as for the election of Speakers under Chapter 3, Article 4, paragraph three.

A new Parliamentary Ombudsman is elected for the period from the date of his or her election, or such later date as the Riksdag may determine,

until a new election has been held in the sixth year thereafter and the person then elected has assumed office. The election shall never be valid beyond the end of the sixth year.

A Parliamentary Ombudsman is re-elected for the period from the date of his or her re-election, or such later date as the Riksdag may determine, until a new election has been held in the third year thereafter and the person then elected has assumed office. The election shall never be valid beyond the end of the third year.

The provisions of paragraph two also apply when a Parliamentary Ombudsman is elected Chief Parliamentary Ombudsman.

A Deputy Ombudsman is elected for a period of two years from the date of his or her election, or such later date as the Riksdag may determine.

Preparation of election of Ombudsmen

Supplementary provision **13.3.1** The Committee on the Constitution shall prepare the election of a Parliamentary Ombudsman or a Deputy Ombudsman.

Removal from office of Ombudsmen

Art. 4. In response to a proposal from the Committee on the Constitution, the Riksdag may remove an Ombudsman or Deputy Ombudsman from office who has forfeited the confidence of the Riksdag.

If a Parliamentary Ombudsman resigns ahead of time, the Riksdag shall elect a successor without delay to serve for a new six-year period.

The National Audit Office

Organisation and responsibilities of the National Audit Office

Art. 5. Under Chapter 13, Article 8 of the Instrument of Government, the Riksdag shall elect one or more Auditors General.

The Riksdag elects only one Auditor General. The Riksdag also elects one Deputy Auditor General.

If the Auditor General has assigned the Deputy Auditor General to determine an audit matter in his or her place, the Deputy Auditor General shall determine independently how the audit is performed, and what conclusions to draw. The Deputy Auditor General may submit the audit report on such a matter to the Riksdag.

If the Auditor General has declared himself or herself to be disqualified on account of a conflict of interests, the Deputy Auditor General may, after conferring with the Auditor General, decide to initiate an audit. In such a case, the Deputy Auditor General shall also decide independently how the audit is to be performed, what conclusions to draw and may submit the audit report to the Riksdag.

If the Auditor General resigns ahead of time, the Committee on the Constitution may elect an acting Auditor General until an ordinary Auditor General has been elected and has assumed office. The provisions of this Act concerning the Auditor General shall also apply to an acting Auditor General.

The Auditor General or Deputy Auditor General may not be an undischarged bankrupt, debarred from trading or placed under administration under Chapter 11, Article 7 of the Children and Parents Code. Nor may they hold any employment or appointment or engage in any activity which might affect their independent status.

Conferral

Supplementary provision **13.5.1** The Committee on the Constitution shall confer with the Auditor General or the Deputy Auditor General on working procedures and other matters of an organisational nature, either on its own initiative, or at the request of the Auditor General or the Deputy Auditor General.

Election of Auditor General and Deputy Auditor General

Art. 6. The Auditor General and Deputy Auditor General are elected individually. In the case of elections by secret ballot, the same procedure is applied as for the election of Speakers under Chapter 3, Article 4, paragraph three.

The Auditor General and Deputy Auditor General are elected for the period from the date of their election, or such later date as the Riksdag may determine, until a new election has been held in the seventh year thereafter and the person then elected has assumed office. The election shall never be valid beyond the end of that year. An Auditor General may not be re-elected.

Where special grounds exist, the election of a Deputy Auditor General may also apply for a period shorter than seven years.

Preparation of election of Auditor General and Deputy Auditor General

Supplementary provision **13.6.1** The Committee on the Constitution shall prepare the election of the Auditor General and Deputy Auditor General.

Auditor General's and Deputy Auditor General's duty to report

Supplementary provision **13.6.2** The Auditor General and Deputy Auditor General shall report in writing the following circumstances to the Riksdag:

1. any ownership and changes regarding ownership of financial instruments under Chapter 1, Section 1 of the Financial Instruments Trading Act (SFS 1991:980);

2. any agreement of a financial nature with a former employer, such as an agreement relating to salary or pension benefits paid during a period covered by his or her appointment at the National Audit Office;

3. any paid employment which is not of a purely temporary nature;

4. any independent income-generating activity pursued alongside his or her appointment as Auditor General or Deputy Auditor General;

5. any appointment at a municipality or county council, if the appointment is not of a purely temporary nature; and

6. any other employment, appointment or ownership which might be presumed to affect the performance of his or her duties.

Removal from office of Auditor General and Deputy Auditor General

Art. 7. Under Chapter 13, Article 8 of the Instrument of Government, the Riksdag may remove an Auditor General from office. This is done at the request of the Committee on the Constitution.

The Committee on the Constitution may decide to launch a special inquiry into the circumstances that may form the basis of a decision to remove an Auditor General from office.

If an Auditor General leaves his or her assignment ahead of time, the Riksdag shall elect a successor without delay to serve for a new seven-year period.

Art. 7 a. The Riksdag may only remove a Deputy Auditor General from office if the Deputy Auditor General no longer meets the requirements that apply for the assignment or has grossly neglected his or her duties. Such a decision shall be taken at the request of the Committee on the Constitution.

Riksdag Council for the National Audit Office

Art. 8. The Riksdag elects the Riksdag Council for the National Audit Office for the electoral period of the Riksdag.

The Council consists of one member from each party group under Chapter 3, Article 5.

The Riksdag elects a chair and one or more deputy chairs from among the members of the Council. The chair and each deputy chair are elected individually.

Election of the Riksdag Council for the National Audit Office

Supplementary provision **13.8.1** The Committee on the Constitution and the Committee on Finance shall prepare elections of the Riksdag Council for the National Audit Office.

Of the total number of members and deputy members in the Council, half shall be nominated by the Committee on the Constitution from among its members and deputy members, and the other half by the Committee on Finance from among its members and deputy members. The nominated chair and one or more deputy chairs shall include at least one person from each committee.

The Committees may present a joint list if the proposal is unanimous.

Advisory Council on Foreign Affairs and War Delegation

The Advisory Council on Foreign Affairs

Art. 9. Elections of members of the Advisory Council on Foreign Affairs under Chapter 10, Article 12 of the Instrument of Government are valid for the electoral period of the Riksdag.

The Deputy Speakers shall act as deputies for the Speaker on the Advisory Council on Foreign Affairs. Nine deputy members shall be elected.

Meetings of the Advisory Council on Foreign Affairs

Art. 10. The Advisory Council on Foreign Affairs meets behind closed doors. The Prime Minister may also permit a person other than a member, deputy member, minister or official to be present.

Record of meetings of the Advisory Council on Foreign Affairs

Supplementary provision **13.10.1** A record shall be kept of meetings of the Advisory Council on Foreign Affairs. The Secretary of the Council is appointed by the Government.

Deputy members of the Advisory Council shall always be notified of meetings of the Council.

Duty of confidentiality

Supplementary provision **13.10.2** A member, deputy member or official present for the first time at a meeting of the Advisory Council on Foreign Affairs shall affirm that he or she will abide by the duty of confidentiality under Chapter 10, Article 12 of the Instrument of Government.

The War Delegation

Art. 11. The Riksdag shall elect a War Delegation from among its members in accordance with Chapter 15, Article 2 of the Instrument of Government.

The War Delegation consists of the Speaker as chair and fifty other members whom the Riksdag appoints for the duration of the electoral period. The Delegation elects a deputy chair from among its members in accordance with Chapter 12, Article 16. A member of the Riksdag is eligible to be a member of the War Delegation irrespective of whether he or she is also a member of the Government. No deputy members shall be appointed for the War Delegation.

If a member is permanently prevented from attending after the War Delegation has replaced the Riksdag, another member of the Riksdag is appointed to replace him or her as laid down in Chapter 12, Article 4.

Preparation of the activities of the War Delegation

Supplementary provision **13.11.1** The chair and deputy chair of the War Delegation shall prepare the activities of the Delegation in the event of the Delegation replacing the Riksdag.

Meetings of the War Delegation

Supplementary provision **13.11.2** The provisions laid down in Chapter 7, Articles 16 and 20 and supplementary provisions 7.15.1, paragraph two and 7.15.3 to 7.15.4 apply to the War Delegation when the Delegation is not acting in place of the Riksdag.

Summons ordering the War Delegation to replace the Riksdag

Art. 12. The Advisory Council on Foreign Affairs convenes in response to a summons from the Speaker, or in his or her absence, a Deputy Speaker, or in response to two other members of the Council, for the purpose of ordering the War Delegation to replace the Riksdag under Chapter 15, Article 2 or the Instrument of Government.

The proceedings are conducted by the Speaker, a Deputy Speaker, or if none is present, by the member among those present who has been a member of the Riksdag the longest.

In the event of a tied vote, the opinion of the chair shall prevail.

Boards

The Election Review Board

Art. 13. The Riksdag shall have an Election Review Board and shall elect the chair and members of the Board in accordance with Chapter 3, Article 12 of the Instrument of Government.

The Riksdag appoints a deputy for the chair. The provisions laid down in Chapter 3, Article 12 of the Instrument of Government concerning the chair also apply to the deputy.

In the case of elections by secret ballot of the chair or deputy chair, the same procedure is applied as for the election of Speakers under Chapter 3, Article 4, paragraph three.

The Ministerial Remunerations Board

Art. 14. The Ministerial Remunerations Board consists of a chair and two other members. These are elected individually by the Riksdag after each ordinary election to the Riksdag and serve until a new election for the Board has been held. No deputy members are appointed.

If, for reasons of ill health or for any other reason, a member is prevented from performing his or her duties, the Riksdag elects a replacement to serve in his or her place for as long as the problem persists.

Board for the Examination of Transitionary Restrictions for Ministers and certain other Officeholders

Art. 14a. The Board for the Examination of Transitionary Restrictions for Ministers and certain other Officeholders consists of a chair and four other members, one of whom shall be the deputy for the chair. These are elected individually by the Riksdag the year before each ordinary election to the Riksdag and serve until a new election for the Board has been held. No deputy members are appointed.

The chair and his or her deputy shall hold currently, or shall have held previously, an appointment as a permanent salaried judge. At least one of the other members shall have been a minister, and at least one of them shall have been a state secretary.

Preparation of elections to the Ministerial Remunerations Board

Supplementary provision **13.14.1** The Committee on the Constitution shall prepare the election of the members of the Ministerial Remunerations Board.

Preparation of elections to the Board for the Examination of Transitionary Restrictions for Ministers and certain other Officeholders

Supplementary provision **13.14 a.1** The Committee on the Constitution shall prepare the election of the members of the Board for the Examination of Transitionary Restrictions for Ministers and certain other Officeholders.

The Riksdag Remunerations Board

Art. 15. The Riksdag Remunerations Board consists of a chair and two other members. They are elected individually by the Riksdag after each ordinary election to the Riksdag and serve until a new election for the Board has been held. No deputy members are appointed.

The Riksdag appoints a deputy for the chair. The election of the deputy is valid for the same period as for the chair.

The chair and his or her deputy shall hold currently, or shall have held previously, an appointment as a permanent salaried judge.

Preparation of elections to the Riksdag Remunerations Board

Supplementary provision **13.15.1** The Committee on the Constitution shall prepare the election of the members of the Riksdag Remunerations Board.

The Board for the Remuneration of the Parliamentary Ombudsmen and the Auditor General

Art. 16. The Board for the Remuneration of the Parliamentary Ombudsmen and the Auditor General consists of a chair and two other members. These are elected individually by the Riksdag after each ordinary election to the Riksdag and serve until a new election for the Board has been held. No deputy members are appointed.

If, for reasons of ill health or for any other reason, a member is prevented from performing his or her duties, the Riksdag elects a replacement to serve in his or her place for as long as the problem persists.

Preparation of elections to the Board for the Remuneration of the Parliamentary Ombudsmen and the Auditor General

Supplementary provision **13.16.1** The Committee on the Constitution shall prepare the election of the members of the Board for the Remuneration of the Parliamentary Ombudsmen and the Auditor General.

The Riksdag Appeals Board

Art. 17. The Riksdag Appeals Board consists of a chair, who shall hold currently, or shall have held previously, an appointment as a permanent salaried judge, and who is not a member of the Riksdag, and four other members elected by the Riksdag from among its members. The chair is elected separately. Elections for the Appeals Board are valid for the electoral period of the Riksdag.

The chair shall have a deputy. Provisions applying to the chair also apply to the deputy chair.

In the case of elections by secret ballot of the chair or deputy chair, the same procedure is applied as for the election of the Speaker under Chapter 3, Article 4, paragraph three.

Delegations to international organisations

Elections and decisions regarding delegations and annual reports

Art. 18. If an international agreement has been concluded with effect that the Riksdag shall appoint a delegation to an international organisation from among its members, rules concerning this may be laid down in a supplementary provision to this Article. Delegations elected by the Chamber shall report annually to the Riksdag on their activities.

After conferring with the group leaders, the Speaker may:

– decide that members of the Riksdag are to participate in international parliamentary cooperation that is not based on an agreement under paragraph one;

– appoint members of the delegation; and

– determine how it is to report on its activities.

The Nordic Council

Supplementary provision **13.18.1** Each year, the Riksdag elects twenty members of the Swedish Delegation to the Nordic Council. They are elected after the start of the new Riksdag session for the period until a new election for the delegation has been held.

The Council of Europe

Supplementary provision **13.18.2** The Riksdag elects six members of the Swedish Delegation to the Parliamentary Assembly of the Council of Europe. The delegation is elected for the period from 1 November of the year in which an election to the Riksdag has been held until the corresponding date following the next election. A member or a deputy member of the delegation who has left the Riksdag in conjunction with an election to the Riksdag may continue to serve for the remainder of the delegation's term of office.

The Organization for Security and Co-operation in Europe

Supplementary provision **13.18.3** The Riksdag elects eight members of the Swedish Delegation to the Organization for Security and Co-operation in Europe (OSCE). The delegation is elected for the electoral period of the Riksdag.

Art. 19. Repealed.

Other assignments appointed by means of elections within the Riksdag

The Regent

Art. 20. At an election by secret ballot of a Regent, Deputy Regent, or a person qualified to hold office as a Regent ad interim under Chapter 5,

Articles 5 and 7 of the Instrument of Government, the same procedure is applied as for the election of Speakers under Chapter 3, Article 4, paragraph three. The election is valid until the Riksdag determines otherwise.

The General Council of the Riksbank

Art. 21. Elections of members of the General Council of the Riksbank under Chapter 9, Article 16 of the Instrument of Government are valid for the electoral period of the Riksdag.

Obstacles to being a member of the General Council of the Riksbank

Supplementary provision **13.21.1** A member of the General Council of the Riksbank may not:

1. be a minister;
2. be a member of the Executive Board of the Riksbank;
3. be a board member or deputy board member of a commercial bank or other undertaking coming under the supervision of the Financial Supervisory Authority; or
4. hold any other employment or appointment which renders him or her unsuitable for appointment as a member of the General Council.

Nor may a member of the General Council be a minor, an undischarged bankrupt, debarred from trading or placed under administration under Chapter 11, Article 7 of the Children and Parents Code.

If a member accepts an employment or appointment such that it may conflict with the rules of paragraph one, the Riksdag shall remove the member from his or her appointment to the General Council in response to a proposal from the Committee on Finance. Any employment or appointment accepted by a member of the General Council shall be reported to the Riksdag.

Members of a convention for treaty amendments within the European Union

Art. 22. From among its members the Riksdag shall appoint members and deputies for these members to conventions set up to prepare treaty amendments in the European Union. The Riksdag shall elect new members and deputy members to the convention if an election to the Riksdag takes place while a convention is deliberating. Otherwise the provisions of Chapter 3, Article 5 and Chapter 12, Articles 6 to 8 and 11 apply to the election of convention members and the provisions of Chapter 12, Article 10 apply to the duties of their deputies.

Convention members are to give an account of the convention's deliberations at meetings of the Chamber.

Delegation to the Europol Joint Parliamentary Scrutiny Group

Art. 22a. The Riksdag shall appoint four members to form a delegation to the Joint Parliamentary Scrutiny Group for the European Union Agency for

Law Enforcement Cooperation (Europol). The delegation is elected for the electoral period of the Riksdag.

The delegation shall report annually to the Riksdag on its activities.

Further provisions

Art. 23. The Riksdag may adopt more detailed provisions concerning Riksdag bodies and appoint representatives in certain cases.

The Riksbanken Jubileumsfond

Supplementary provision **13.23.1** The Riksdag determines statutes for the Riksbanken Jubileumsfond and elects twelve members of the Board of the Foundation in accordance with Article 3 of the Foundation's statutes (RFS 1988:1).

The Foundation shall report annually to the Riksdag on its activities.

The Judges Proposals Board

Supplementary provision **13.23.2** In accordance with Section 4 of the Act on the appointment of permanent salaried judges (2010:1390), the Riksdag elects two members to represent the public in the Judges Proposals Board and one personal substitute for each of them.

Prosecution

Prosecution of officeholders

Art. 24. Prosecution of the officeholders listed below in respect of offences committed in the exercise of their assignment or employment may be decided:

1. only by the Committee on Finance in the case of prosecution of a member of the General Council of the Riksbank or a member of the Executive Board of the Riksbank; and

2. only by the Committee on the Constitution in the case of prosecution of a member of the Riksdag Board, the Election Review Board or the Riksdag Appeals Board, or one of the Parliamentary Ombudsmen, the Auditor General, Deputy Auditor General or of the Secretary-General of the Riksdag.

The provisions laid down in paragraph one concerning prosecution of a member of the Executive Board of the Riksbank shall not apply in respect of an offence committed in the exercise of the Riksbank's decision-making powers under the Act on Exchange Control and Regulation of Credit (SFS 1992:1602).

Chapter 14. The Riksdag Administration

Contents of the chapter

Art. 1. This chapter contains provisions on:

– the Riksdag Administration (Articles 2 and 3);
– the direction of the Riksdag Administration (Articles 4–7); and
– appeals (Article 8).

The Riksdag Administration

The tasks of the Riksdag Administration

Art. 2. The Riksdag Administration shall provide support to the work of the Chamber, the Riksdag committees and the Committee on European Union Affairs, as well as assist the members of the Riksdag and Riksdag bodies with factual information for their work in the Riksdag.

In addition, the Riksdag Administration shall, as regards the Riksdag and authorities under the Riksdag, and to the extent determined by the Riksdag:

1. be responsible for central negotiations with the trade union organisations and represent the authorities under the Riksdag in the case of such disputes;

2. draw up proposals for appropriations under the central government budget, but not in respect of the National Audit Office;

3. deal with questions relating to the administration of the Riksdag in general, and questions concerning the financial administration of authorities under the Riksdag other than the Riksbank;

4. adopt regulations and general advice concerning questions under points 1–3; and

5. adopt regulations and general advice concerning registration and weeding of official documents as well as archive and document management.

Secretariats for the Riksdag committees and the Committee on European Union Affairs

Supplementary provision **14.2.1** The Riksdag committees and the Committee on European Union Affairs are assisted by secretariats which form part of the Riksdag Administration.

The head of such a secretariat shall be a Swedish citizen.

Instructions for the Riksdag Administration

Art. 3. The Riksdag determines instructions for the Riksdag Administration.

Direction of the Riksdag Administration

Secretary-General of the Riksdag

Art. 4. The Secretary-General of the Riksdag is head of the Riksdag Administration, ensures that a record is kept of meetings of the Chamber, dispatches the decisions of the Riksdag, is Secretary of the War Delegation and assists the Speaker in the work of the Riksdag in other respects.

Election of the Secretary-General

Art. 5. The Riksdag elects the Secretary-General of the Riksdag. The election is held at the start of the Riksdag session following an ordinary election to the Riksdag. It is valid from the time of the election, or another time determined by the Riksdag, until a new election of the Secretary-General has been held and he or she has assumed office.

If the election is held by secret ballot, then the candidate who receives three quarters or more of the votes cast is elected. If no such majority is

obtained, a new election is held. If no candidate receives three quarters or more of the votes cast on this *occasion* either, the election will be prepared again.

Preparation of election of the Secretary-General of the Riksdag

Supplementary provision **14.5.1** The election of the Secretary-General of the Riksdag shall be prepared by a group consisting of the Speaker and the group leaders.

Dismissal of the Secretary-General

Art. 6. At the request of the Riksdag Board, the Riksdag may dismiss a Secretary-General of the Riksdag who has grossly neglected his or her commitments to the Riksdag.

Acting Secretary-General

Art. 7. If the Riksdag is without a Secretary-General, the Riksdag shall elect an acting Secretary-General for such time until an ordinary Secretary-General has been elected and has assumed office.

Appeals

Appeals against decisions by the Riksdag Administration

Art. 8. Decisions by a Riksdag body in an administrative matter against which appeals may be lodged under special provisions are examined by an administrative court in cases determined by the Riksdag, and by the Riksdag Appeals Board in other cases.

Appendix (Supplementary provision 7.5.1)

1. The Committee on the Constitution shall prepare matters concerning:

a. legislation of a constitutional and general administrative nature;

b. legislation concerning radio, television and film;

c. freedom of expression, formation of public opinion and freedom of worship;

d. financial support for the press and the political parties;

e. the National Audit Office, in respect of the election of the Auditor General and the Deputy Auditor General, the removal of the Auditor General or Deputy Auditor General from office, prosecution of the Auditor General and the Deputy Auditor General, the National Audit Office's annual report and audit of the National Audit Office;

f. the Riksdag, and authorities under the Riksdag in general, except for the Riksbank;

g. the county administration and the division of the country into administrative units;

h. local self-government;

i. the consent of the Riksdag to the prosecution of a member of the Riksdag or deprivation of a member's personal liberty; and

j. appropriations falling within expenditure area 1 Governance.

2. The Committee on Finance shall prepare matters concerning

a. monetary, credit, currency and central government debt policy;

b. the credit and finance markets;

c. the commercial insurance market;

d. the National Audit Office, insofar as these matters do not fall to the Committee on the Constitution to prepare;

e. local government finance;

f. the State as employer, national statistics, accounting, audits and administrative efficiency;

g. State property and public procurement in general;

h. other matters of administrative finance not solely concerned with a particular subject area;

i. budgetary matters of a technical nature; and

j. appropriations falling within expenditure areas 2 Economy and financial administration, 25 General grants to local government, 26 Interest on central government debt, etc. and 27 The contribution to the European Union.

3. The Committee on Taxation shall prepare matters concerning

a. tax assessment and tax collection;

b. the population registers;

c. the enforcement service; and

d. appropriations falling within expenditure area 3 Taxes, customs and enforcement.

4. The Committee on Justice shall prepare matters concerning

a. the law courts;

b. the leasehold and rent tribunals;

c. the public prosecution service;

d. the police service;

e. forensic medicine;

f. the correctional care system;

g. the Criminal Code, the Code of Judicial Procedure and acts of law which supersede or are closely associated with provisions of these Codes; and

h. appropriations falling within expenditure area 4 Justice.

5. The Committee on Civil Affairs shall prepare matters concerning

a. the Marriage, Children and Parents, Inheritance, Land, Commercial and Debt Enforcement Codes and acts of law which supersede or are related to provisions of these Codes, insofar as these matters do not fall to any other committee to prepare;

b. insurance contract law;

c. company law;

d. law of torts;

e. transport law;

f. bankruptcy law;

g. consumer policy;

h. international private law;

i. legislation on other matters having the nature of general private law;

j. housing provision and other housing policy;

k. legislation on planning and construction, as well as other closely related matters;

l. water rights;

m. expropriation, the formation of property units and land survey; and

n. appropriations falling within expenditure area 18 Planning, housing provision, construction and consumer policy.

6. The Committee on Foreign Affairs shall prepare matters concerning

a. the country's relations and agreements with other states and with international organisations;

b. international development assistance;

c. other foreign trade and international economic cooperation insofar as these matters do not fall to any other committee to prepare; and

d. appropriations falling within expenditure areas 5 International cooperation, and 7 International development cooperation.

7. The Committee on Defence shall prepare matters concerning

a. military and civil defence;

b. emergency and rescue services;

c. measures to reduce the vulnerability of society;

d. nuclear safety and protection against radiation;

e. maritime rescue and coastguard services insofar as these matters do not fall to any other committee to prepare; and

f. appropriations falling within expenditure area 6 Defence and contingency measures.

8. The Committee on Social Insurance shall prepare matters concerning

a. the Social Insurance Code and acts of law which supersede or are related to provisions of these Codes, insofar as these matters do not fall to any other committee to prepare;

b. family benefits;

c. benefits in the event of sickness or occupational injury;

d. benefits in old age;

e. benefits to surviving dependants;

f. housing support;

g. sick pay;

h. social security contributions;

i. migration;

j. Swedish citizenship; and

k. appropriations falling within expenditure areas 8 Migration, 10 Financial security for those with illnesses and disabilities, 11 Financial security for the elderly and 12 Financial security for families and children.

9. The Committee on Health and Welfare shall prepare matters concerning

a. care and welfare services for children and young people insofar as these matters do not fall to any other committee to prepare;

b. care and welfare of the elderly and the disabled;

c. measures to combat drug and alcohol abuse, and other social services matters;

d. alcohol policy measures;

e. health and medical care;

f. social welfare questions in general; and

g. appropriations falling within expenditure area 9 Health care, medical care and social services.

10. The Committee on Cultural Affairs shall prepare matters concerning

a. cultural and educational purposes in general;

b. cultural heritage;

c. popular education;

d. youth activities;

e. international cultural cooperation;

f. sports and outdoor activities;

g. supervision and regulation of the gaming market;

h. religious communities, insofar as these do not fall to the Committee on the Constitution to prepare;

i. radio and television, insofar as these do not fall to the Committee on the Constitution to prepare; and

j. appropriations falling within expenditure area 17 Culture, the media, religious communities and leisure activities.

11. The Committee on Education shall prepare matters concerning

a. the school system, certain special types of education and other educational activities;

b. higher education, research and space issues;

c. financial support for students; and

d. appropriations falling within expenditure areas 15 Financial support for students and 16 Education and academic research.

12. The Committee on Transport and Communications shall prepare matters concerning

a. roads and road transport;

b. railways and rail transport;

c. ports and shipping;

d. airports and civil aviation;

e. postal services;

f. electronic communications;

g. IT policy; and

h. appropriations falling within expenditure area 22 Transport and communications.

13. The Committee on Environment and Agriculture shall prepare matters concerning

a. agriculture, forestry, horticulture, hunting and fishing;

b. meteorological services;

c. nature conservation;

d. other environmental protection questions not falling to any other committee to prepare; and

e. appropriations falling within expenditure areas 20 Climate, environment and nature and 23 Land- and water-based industries, rural areas and food.

14. The Committee on Industry and Trade shall prepare matters concerning

a. general guidelines for industry and trade policy and associated research matters;

b. industry and handicrafts;

c. trade;

d. intellectual property law;

e. energy policy;

f. regional growth policy;

g. state-owned enterprises;

h. price and competition conditions in the business sector; and

i. appropriations falling within expenditure areas 19 Regional growth, 21 Energy and 24 Industry and trade.

15. The Committee on the Labour Market shall prepare matters concerning

a. labour market policy, including unemployment insurance;

b. working life policy, including labour law, work environment and matters relating to wage formation;

c. integration;

d. measures to combat discrimination, insofar as these matters do not fall to any other committee to prepare; and

e. equality between women and men, insofar as these matters do not fall to any other committee to prepare.

f. appropriations falling within expenditure areas 13 Integration and gender equality 14 Labour market and working life.

The Freedom of the Press Act

up to and including Swedish Code of Statutes (SFS) 2022:1524

Chapter 1. The freedom of the press

Art. 1. The purpose of freedom of the press is to secure the free exchange of opinion, free and comprehensive information, and freedom of artistic creation.

Freedom of the press means the freedom for everyone to express their thoughts, opinions and sentiments in print, and to publish official documents and in general communicate information on any subject whatsoever.

Freedom of the press also means a right for everyone to publish written matter, without prior hindrance by a public authority or other public body. Legal proceedings on grounds of the contents of written matter may only be instituted after publication, and in a court of law. No one may be punished for publication of written matter other than because the content contravenes an express provision of law, enacted to preserve public order without suppressing information to the public.

The provisions of this Act for the protection of the rights of the individual and public safety shall be observed in the exercise of freedom of the press.

No restriction of the freedom of the press shall be permitted other than by virtue of this Act.

Scope

Different types of written matter

Art. 2. This Act applies to all written matter produced using a printing press.

It shall likewise apply to written matter duplicated by photocopying, or some other similar 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.

The provisions of this Act which refer to written matter produced using a printing press, or to printing, shall apply in a similar manner to other written matter or duplication of such matter under paragraph two, unless otherwise indicated.

In respect of the application of this Act, images are also classified as written matter, even when there is no accompanying text.

Printed matter

Art. 3. An item of printed matter shall be deemed to be such when it is published.

Printed matter is deemed to have been published when it has been delivered for sale or dissemination by other means within Sweden. This does not however apply to printed documents of a public authority to which there is no public access.

An item of printed matter shall not be deemed to have been delivered for dissemination in Sweden merely on the grounds of its being sent to a recipient abroad.

Periodicals

Art. 4. A periodical is understood to mean 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. This also includes posters and supplements pertaining to the periodical.

Once a certificate of no legal impediment to publication has been issued, a publication shall be deemed to be a periodical until the certificate is rescinded or is declared to have lapsed.

Supplements in the form of programmes or technical recordings

Art 5. 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 programme under the Fundamental Law on Freedom of Expression and provided through a database of the kind referred to in Chapter 1, Article 4 of the same fundamental law, the programme shall be equated, in respect of the application of this Act, with a supplement to the periodical. This only applies, however, if:

1. the contents are made available in such a way that is specially adapted for people with functional disabilities;
2. the contents are reproduced in unaltered form; and
3. it is indicated how the contents have been used.

The provisions of paragraph one apply in a similar manner to contents disseminated in a technical recording under the Fundamental Law on Freedom of Expression.

Provisions concerning the right to transmit are contained in Chapter 3 of the Fundamental Law on Freedom of Expression.

Art. 6. If a writer, editor or publisher who is responsible under Chapter 8 for printed matter that is not a periodical disseminates or causes to be disseminated the contents of the periodical, or parts thereof, in the form of a programme under the Fundamental Law on Freedom of Expression and provided through a database of the kind referred to in Chapter 1, Article 4 of the same fundamental law, the programme shall be equated with a

supplement to the periodical in respect of the application of this Act. This only applies, however, if the contents are reproduced in unaltered form and it is indicated that the contents are a supplement under this provision.

Basic provisions

Freedom to communicate and procure information

Art. 7. All persons shall be free to communicate information on any subject whatsoever, for the purpose of publication in print (freedom to communicate information). This freedom concerns information provided to:

– an author or other person who may be deemed to be the originator of material contained in printed matter;
– the editor or editorial office of the printed matter; or
– a company which professionally provides news or other information to periodicals.

All persons shall furthermore have the right to procure information on any subject whatsoever, for the purpose of publication in print, or in order to communicate information under paragraph one (freedom to procure information).

No restriction of these freedoms shall be permitted other than by virtue of this Act.

Ban on censorship and ban on other obstructive measures

Art. 8. No written matter shall be scrutinised prior to printing by a public authority or other public body. Prohibition of printing is not permitted.

Nor is it permitted for a public authority or other public body to take any action, except by virtue of this Act, to prevent the printing or publication of written matter on grounds of its content. This applies in a similar manner to the prevention of dissemination of written matter among the general public.

Principle of exclusivity

Art. 9. 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 contribution to such abuse except by virtue of this Act. This applies in a similar manner if a publication is to be confiscated or impounded.

Instructions regarding application

Art. 10. Any person entrusted with passing judgment on abuses of the freedom of the press or otherwise overseeing compliance with this Act should always bear in mind that the freedom of the press is fundamental to a free society, direct his or her attention always more to subject matter and thought than to expression, to the aim rather than the manner of presentation, and, in case of doubt, acquit rather than convict.

Exceptions from fundamental law

Certain matters that may be regulated by law

Art. 11. Notwithstanding the provisions of this Act, rules may be laid down in law on the rights of the originator of a work of literature or art, on rights related to such copyright, or on bans on reproducing works of literature or art in such a way as to violate cultural values.

Art. 12. Notwithstanding the provisions of this Act, rules may be laid down in law on:

1. bans on commercial advertising 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 brand mark in use for a tobacco product, or which under current provisions concerning trademarks 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 membership of the European Union or the European Atomic Energy Community;
4. requirements regarding the introduction and specific design of warning texts, ingredient lists or other similar product information with the purpose of protecting health, the environment or consumers;
5. bans on the publication, within the framework of professional credit information activities, of any credit information which improperly infringes on the personal privacy of an individual or contains false or misleading information; liability for damages for such publication; requirements for justified needs on the part of the party requesting the credit information; the obligation to notify the party about whom the information has been requested; and the correction of false or misleading information;
6. liability under penal law and liability for damages relating to the manner in which an item of information has been procured; or
7. liability under penal law and liability for damages relating to violations of bans on making reproductions, descriptions or measurements of or inside buildings, other facilities, areas or other objects of importance to Sweden's total defence, if the ban is necessary with regard to the interests of stronger protection against serious crime or against disclosure of secret information concerning total defence, or to the interests of protecting the public from injury as a result of military activities.

Art. 13. Notwithstanding the provisions of this Act, rules may be laid down in law on bans on the publication of personal data:

1. revealing ethnic origin, skin colour or similar circumstance, political opinions, religious or philosophical convictions or membership of a trade union;

2. concerning health, sex life or sexual orientation; or
3. consisting of genetic or biometric data enabling the unambiguous identification of a natural person.

The provisions of paragraph one only apply if:

1. the personal data are included in a data collection that has been arranged in such a way that it is possible to search for or compile the data; and
2. with regard to the nature of the activities and the forms under which the data collection is made available, there is a particular risk of improper violation of individuals' personal privacy.

Exceptions regarding child pornography

Art. 14. This Act does not apply to pornographic images of persons whose pubertal development is not complete or who are under the age of eighteen.

Chapter 2. The public nature of official documents

Basic provisions

Public access to official documents

Art. 1. Everyone shall be entitled to have free access to official documents, in order to encourage the free exchange of opinion, the availability of comprehensive information and freedom of artistic creation.

Restrictions on public access to official documents

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

1. the country's security or its relations with another state or an international organisation;
2. the central fiscal, monetary or currency policy of the country;
3. the inspection, control or other supervisory activities of a public authority;
4. the interests of preventing or prosecuting crime;
5. the economic interests of the public institutions;
6. the protection of the personal or economic circumstances of individuals; or
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 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 rules for its application in an ordinance.

The Riksdag or the Government may be authorised, in a provision under paragraph two, to permit the release of a particular document, with regard to the circumstances.

Definition of an official document

Document

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 devices.

Official document

Art. 4. A document is official if it is held by a public authority, and if it can be deemed under Article 9 or 10 to have been received or drawn up by such an authority.

Body equated with a public authority

Art. 5. For the purposes of this Chapter, the Riksdag and any local government assembly with decision-making powers is equated with a public authority.

Document held by a public authority

Art. 6. A recording under Article 3 is deemed to be held by a public authority if it is available to the authority using technical devices 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 electronic data processing is however regarded as being held by the authority only if the authority can make it available using routine means unless otherwise provided in Article 7.

Art. 7. A compilation under Article 6, paragraph two is not deemed to be held by the authority if it contains personal data and, under a statute or ordinance, the authority does not have the power to make the compilation available. Personal data is understood to mean any data which can be referred back directly or indirectly to an individual.

Art. 8. 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 authority's purview, and if it is not intended for the addressee solely in his or her capacity as holder of another position.

Document received

Art. 9. 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 is instead deemed to have been recei-

ved by the authority when it has been made available to the authority by another in the manner indicated in Article 6.

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 deemed to mean that the document has been received by that authority.

Document drawn up

Art. 10. 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.

Notwithstanding the provisions of paragraph one, the following applies:

1. day books, ledgers, registers or other lists that are kept on an ongoing basis are deemed to have been drawn up when the document has been made ready for notation or entry;
2. court rulings and other decisions which shall be pronounced or dispatched under relevant provisions of law, or records and other documents insofar as they relate to such a decision are deemed to have been drawn up when the decision has been pronounced or dispatched;
3. other records and comparable memoranda held by a public authority are deemed to have been drawn up when the document has been finally checked and approved by the authority or has otherwise received final form.

Paragraph 3 does not apply to the records of Riksdag committees, auditors of local authorities, government-appointed commissions of inquiry or local authorities where they relate to a matter dealt with solely in order to prepare the matter for decision.

Document transferred within an authority

Art. 11. If a body which forms part of, or is associated with, a public authority has transferred a document to another body within the same authority, the document is only deemed to have been received or drawn up if the bodies concerned act as independent entities in relation to each other.

The same applies if a document has been produced for the purpose of transferring it in the manner indicated in paragraph one.

Memorandums, preliminary outlines and drafts

Art. 12. A memorandum which has been prepared at a public authority, but which has not been dispatched, shall not 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 10. However, it shall be deemed to be drawn up if it has been accepted for filing and registration. A 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 similar documents which have not been dispatched are not deemed to be official documents. However, they shall be deemed to be official documents if they have been accepted for filing and registration.

Documents not deemed to be official documents

Art. 13. A document held by a public authority solely for the purpose of technical processing or technical storage on behalf of another party is not deemed to be an official document held by that authority.

A document held by a public authority solely for the purpose of re-creating information that has been lost in the authority's regular system for electronic data processing (backup copy) is not deemed to be an official document.

Art. 14. The following are not deemed to be official documents:

1. letters, telegrams, or 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 images, 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 safekeeping, 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; and
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.

Release of official documents

The right of access to official documents

Art. 15. A person who wishes to examine an official document to which the public has access shall be able to do so immediately, or as soon as

possible, at the place where it is held, and free of charge, 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 if the applicant can be given access to the recording at a public authority in the vicinity, without serious inconvenience.

Copies of official documents

Art. 16. 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 electronic 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 a copy of a map, drawing, image, or recording under Article 3, and which has not been recorded for electronic data processing, 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.

Examination of requests

Art. 17. 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. If there are special grounds, it may however be laid down in a provision under Article 2, paragraph two, that in applying this provision, examination and approval shall rest with another public authority. In the case of a document of central significance for the security of the country, it may also be laid down in an ordinance 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 without delay.

Art. 18. 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 or her 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. 19. 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 deci-

sion. 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 of law 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. 20. 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.

Further provisions concerning official documents

Official documents held by a private body

Art. 21. If the activities of a public authority are to be taken over by a private body, it may be laid down in law that the Government, or a local government assembly with decision-making powers, may determine that official documents relating to the activities, and that the body requires for its work, may be transferred into the safekeeping of that body, without the documents ceasing thereby to be official. In respect of documents transferred in accordance with Articles 15–20, such a body shall be equated with a public authority.

Art. 22. 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 safekeeping, 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 respect of documents transferred in accordance with Articles 15–20, the Church of Sweden and any part of its organisation shall be equated with a public authority.

Storage and weeding

Art. 23. Basic provisions concerning the storage, weeding and other disposal of official documents may be laid down in law.

Chapter 3. The right to anonymity

Art. 1. An author of printed matter shall not be obliged to have his or her name, pseudonym or pen-name set out therein. The same applies to a person who has communicated information under Chapter 1, Article 7, and to an editor of printed matter other than a periodical.

Art. 2. No person may inquire into the identity of an author or a person who has communicated information under Chapter 1, Article 7, in cases concerning liability, damages or special legal effects on account of a freedom of the press offence. The same applies to 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, then the question of whether he or she is liable may be considered during the proceedings. This applies in a similar manner if a person has acknowledged in a written statement that he or she is the author or editor, or has voluntarily made such a declaration during the case.

Notwithstanding the provisions of paragraph one, the question of liability for an offence under Chapter 7, Article 22 or 23, may be examined in the same court proceedings as cases referred to in paragraphs one and two.

Duty of confidentiality

Art. 3. A person who has engaged in the production or publication of printed matter, or material intended for insertion in printed matter, may not disclose what has come to his or her knowledge in this connection concerning the identity of an author, a person who has communicated information under Chapter 1, Article 7, or an editor of non-periodical printed matter.

The duty of confidentiality under paragraph one applies in a similar manner to a person who in some other way has been active in an enterprise for the publication of printed matter, or an enterprise which professionally provides news or other material to periodicals.

Art. 4. The duty of confidentiality under Article 3 shall not apply:

1. if the person in whose favour the duty of confidentiality operates has given his or her consent to the disclosure of his or her identity;
2. if it is permitted under Article 2, paragraph two to consider the question of identity;
3. if the matter concerns an offence under Chapter 7, Section 22, paragraph one, point 1;
4. if in a matter concerning an offence under Chapter 7, Article 21 or 22, paragraph one, point 2 or 3, a court of law deems it necessary for information to be produced as to whether the defendant, or the person suspected on reasonable grounds of the offence, has communicated information or contributed to an item. In such a case, the information shall be provided during proceedings; and
5. when, in any other case, a court of law deems it to be of exceptional importance, with regard to a public or private interest, for information concerning identity to be produced on examination of witnesses or of a party in the proceedings under oath.

In examination under paragraph one, 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.

Ban on inquiries

Art. 5. A public authority or other public body may not inquire into the identity of:

1. the author of material inserted, or intended for insertion, in printed matter;
2. a person who has published, or intends to publish, material in such matter; or
3. a person who has communicated information under Chapter 1, Article 7.

The ban under paragraph one does not prevent inquiries into identity where necessary for the purpose of such prosecution or other action against him or her as is not contrary to the provisions of this Act. In such cases, the duty of confidentiality under Article 3 shall be respected.

Ban on reprisals

Art. 6. A public authority or other public body may not intervene against a person because he or she has in printed matter made use of his or her freedom of the press or assisted in such use.

Penalties

Art. 7. Payment of a fine or imprisonment for up to one year shall be imposed on a person who:

1. through negligence or deliberate intent breaches a duty of confidentiality under Article 3;
2. through negligence or 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 or her wishes;
3. through negligence or 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;
4. through deliberate intent makes inquires in breach of Article 5; or
5. through deliberate intent intervenes in breach of Article 6, if the said action constitutes dismissal, notice of termination, imposition of a disciplinary sanction or a similar measure.

Legal proceedings may be instituted on account of an offence under paragraphs 1–3 only if the injured party has reported the offence for prosecution.

Other originators besides authors

Art. 8. 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. The right to produce printed matter

Art. 1. Every natural or legal person has the right to produce printed matter, either alone or with the assistance of others.

Indication of origin

Art. 2. Any printed matter produced in Sweden shall be provided with clear information indicating the identity of the person who printed the matter, together with the year and place in which it was printed. This applies in a similar manner to printed matter for which a valid certificate of no legal impediment to publication exists, or which was duplicated here by photocopying, or another similar technical process.

Art. 3. The obligation to include information under Article 2 does not apply to job printing or pictorial reproduction. Job printing or pictorial reproduction refers to 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 that an abuse of the freedom of the press on account of the text or otherwise can be ruled out.

Obligation to retain copies

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

This applies in a similar manner to provisions on the obligation to record programmes and retain technical recordings under Chapter 1, Articles 5–6, and make these available.

Penalties

Art. 5. A person who produces written matter and thereby breaches the provisions of Article 2 shall be sentenced to payment of a fine or to imprisonment for up to one year.

Chapter 5. The right to publish periodicals

Owner and responsible editor

Art. 1. A periodical shall have a responsible editor.

The responsible editor shall be appointed by the owner of the periodical.

Art. 2. It shall be the right of every natural or legal person to be the owner of a periodical.

Art. 3. The responsible editor shall be a natural person who is domiciled in Sweden. No person who is a minor or who has been declared bankrupt, or for whom an administrator has been appointed under special provisions of law, may be a responsible editor.

Powers of the responsible editor

Art. 4. The responsible editor shall have the power to supervise the publication of the periodical and to determine its contents in such a way that nothing may be printed therein against his or her will. Any restriction of these powers shall be null and void.

Notification of appointment of responsible editor

Art. 5. Once a responsible editor has been appointed, it is the responsibility of the owner to notify the appointment to the public authority designated in law. The information provided shall include the responsible editor's name and place of domicile. It shall be accompanied by proof that the responsible editor is qualified under Article 3, and a declaration from the responsible editor that he or she has accepted the appointment.

Art. 6. If a responsible editor is no longer qualified, or if his or her appointment as a responsible editor has otherwise been terminated, it is the responsibility of the owner to appoint a new responsible editor immediately and to notify the appointment to the authority referred to in Article 5. The notification shall be accompanied, if possible, by proof that the previous responsible editor has been informed of the notification of a new name.

Deputy for a responsible editor

Art. 7. The responsible editor of a periodical may appoint one or more deputies. The provisions of Article 3 apply in a similar manner to deputies.

When a deputy is appointed, the authority referred to in Article 5 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 or she has accepted the appointment and by a statement from the owner that he or she has approved the deputy.

If the appointment of a responsible editor is terminated, an appointment as deputy is also terminated.

Art. 8. If the appointment of a deputy has been notified under Article 7, the responsible editor may authorise such a deputy, or, if there are several deputies, any one of them, to exercise in his or her place the powers vested in the responsible editor under Article 4.

If it can be presumed that a responsible editor will be continuously prevented for at least one month, on account of illness or for any other temporary cause, from exercising the powers vested in him or her as responsible editor, he or she shall delegate these powers to a deputy without delay. If no deputy exists, the responsible editor shall appoint a deputy immediately and notify the appointment as laid down in Article 7. This applies in a similar manner if the appointment of the person designated as a deputy is due to end.

Information about responsible editor

Art. 9. 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, the name of the deputy shall appear instead.

Certificate of no legal impediment to publication

Issue

Art. 10. A periodical may not be published before a certificate of no legal impediment to publication has been issued in accordance with this Act.

A certificate of no legal impediment to publication is issued by the authority referred to in Article 5. An application is made by the owner of the publication. The application shall indicate the title, place of publication and publishing schedule of the periodical.

Art. 11. A certificate of no legal impediment to publication may not be issued until the name of a responsible editor has been notified under Article 5.

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.

Validity and renewal

Art. 12. A certificate of no legal impediment to publication is valid for ten years. The certificate then lapses. The decision that a certificate shall be deemed to have lapsed after the expiry of the ten-year period is issued by the authority referred to in Article 5. 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. If an application for renewal has been received before the expiry of the ten-year period, the certificate shall continue to be valid until the decision resulting from the application has acquired legal force.

Revocation

Art. 13. A certificate of no impediment to publication may be rescinded:

1. if the owner has given notice that publication of the periodical has ceased;

2. if the right of ownership in the periodical has been transferred to a person who does not have the qualifications prescribed under this Act;
3. if there is no responsible editor, or if the responsible editor does not meet the required qualifications under Article 3 or qualifications prescribed under this Act, and a qualified responsible editor is not appointed immediately;
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 11, paragraph two; 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 immediately.

Art. 14. If a certificate of no legal impediment to publication has been rescinded on account of a circumstance under Article 13, paragraph one, point 2, 3, 5 or 7, the owner's consent is required before a certificate of no legal impediment to publication may be issued for another periodical whose masthead so resembles the masthead of the original periodical that the two may easily be confused. Such consent is not required if two years have passed from the date on which the certificate was rescinded.

This applies in a similar manner if the certificate has been declared to have lapsed.

Art. 15. Rules may be laid down in law concerning:

1. an obligation to report a change of circumstances as regards place of publication or publication schedule;
2. validity and renewal of a certificate of no impediment to publication; and
3. revocation of a certificate of no impediment to publication.

Penalties

Art. 16. A penalty of a fine shall be imposed if:

1. the owner of a periodical publishes the periodical without having a certificate of no legal impediment to publication, or without being qualified under the provisions of this Act;
2. the owner fails to provide for the appointment of a new responsible editor or notify such an appointment under Article 6;
3. a responsible editor neglects to delegate his or her powers to a deputy under Article 8, paragraph two;

4. 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
5. a person allows his or her name to appear on a periodical as responsible editor or responsible deputy editor without being qualified.

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

Art. 17. The penalties specified in Article 16 apply also to a person who knowingly submits false information in an application, notification or declaration under this Chapter.

Art. 18. If the owner of a periodical fails to state the name of the responsible editor under the provisions of Article 9, the penalty is a fine. This applies in a similar manner to a deputy acting as responsible editor.

Art. 19. Provisions concerning penalties for breaches of a regulation issued under Chapter 15, Article 1 may be laid down in law.

Chapter 6. The right to disseminate printed matter

Art. 1. It shall be the right of every natural or legal person to disseminate printed matter, either alone or with the assistance of others.

Exceptions

Art. 2. Notwithstanding the provisions of this Act, provisions laid down in law shall apply in cases in which a person:

1. exhibits a pornographic image in or at a public place, by displaying or otherwise showing it, in a manner liable to cause offence to the general public, or sends such an image by post or other means to another person who has not ordered it in advance; or
2. disseminates among children and young persons printed matter which by reason of its content might have a brutalising effect, or otherwise seriously put young people at risk.

Art. 3. Provisions concerning the dissemination of maps, drawings or images which represent Sweden, in whole or in part, and which contain information of significance for the defence of the country, may be laid down in law.

Obligation to forward printed matter

Art. 4. Anyone who, insofar as follows from an act of law or other statute, is obliged to forward printed matter may not refuse to do so, or make this obligation subject to special conditions on grounds of the content. This shall not, however, apply to the forwarding of printed matter which constitutes a violation of the provisions of Article 5 or 6.

Anyone with an obligation under paragraph one and who has accepted printed matter for forwarding shall not be deemed to be the disseminator.

Penalties

Art. 5. A penalty of a fine shall be imposed on anyone who disseminates printed matter that lacks the information prescribed under Chapter 4, Article 2. This applies in a similar manner if such information, or information provided under Chapter 1, Article 2, paragraph two, point 2 is incorrect and this fact is known to the disseminator.

Art. 6. A penalty of a fine or imprisonment for up to one year shall be imposed on anyone who disseminates printed matter which, to the knowledge of the disseminator:

1. has been impounded or confiscated;

2. has been published in violation of a ban issued under this Act; or

3. manifestly constitutes a continuation of printed matter the publication of which has thus been prohibited under point 2.

Chapter 7. Offences against the freedom of the press, the freedom to communicate information and the freedom to procure information

Acts deemed as offences against the freedom of the press

What is deemed an offence against freedom of the press

Art. 1. With due regard to the purpose of freedom of the press of ensuring the free exchange of opinion, free and comprehensive information and freedom of artistic creation, the acts laid down in Articles 2–20 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.

Unlawful threats

Art. 2. 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 or her person, property, freedom or sanctity, or that of another, shall be deemed an offence against the freedom of the press.

Defamation

Art. 3. Defamation, whereby a person alleges that another is criminal or blameworthy in his or her way of life, or otherwise communicates information liable to expose another to the contempt of others shall be deemed an offence against the freedom of the press.

Defamation of a person who is deceased involves liability if the act causes offence to his or her survivors, or might otherwise be considered to violate the sanctity of the grave.

No liability shall be imposed 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.

Insulting language

Art. 4. Insulting language or behaviour, whereby a person insults another by means of offensive invective or allegations or other insulting behaviour towards him or her, if the act is intended to violate the other's self-esteem or dignity shall be deemed an offence against the freedom of the press.

Sedition

Art. 5. 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 shall be deemed an offence against the freedom of the press.

Agitation against a population group

Art. 6. 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, sexual orientation or transgender identity or expression shall be deemed an offence against the freedom of the press.

Unlawful portrayal of violence

Art. 7. 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, shall be deemed an offence against the freedom of the press.

Threat against a public servant

Art. 8. Threats made against a public servant, whereby a person, threatening violence, attacks another in the exercise of his or her 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 shall be deemed an offence against the freedom of the press.

This applies in a similar manner if a person thus attacks a person who was previously engaged in such activity or as an accessory therein, on account of his or her acts or omissions in this context.

Liability shall be imposed for any attempt or preparation to threaten a public servant, unless the offence, if realised, would have been deemed to be petty.

Obstructing the course of justice

Art. 9. Perversion of the course of justice, whereby a person, threatening violence, attacks another because:

1. he or she has filed a complaint, brought charges, testified or otherwise made a statement under examination before a court of law or other public authority; or
2. in order to deter him or her from such action described in point 1,

shall be deemed an offence against the freedom of the press.

This applies in a similar manner if a person attacks another threatening action which would result in suffering, injury or nuisance, because he or she has testified or otherwise made a statement under examination before a public authority, or in order to prevent him or her from making such a statement.

Insurrection

Art. 10. 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, shall be deemed an offence against the freedom of the press.

Liability shall be imposed for any attempt, preparation or conspiracy to commit such insurrection.

Offences against civil liberty

Art. 11. 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, shall be deemed an offence against the freedom of the press.

Liability shall be imposed for any attempt to commit such an offence against civil liberty.

High treason

Art. 12. High treason, committed with intent to bring the country or any part of it under the subjection of a foreign power or render the country dependent on such a power by violent or other unlawful means or with foreign assistance, or to detach a part of the country by such means, insofar as the act implies a risk that the intent will be realised, shall be deemed an offence against the freedom of the press.

This applies in a similar manner to high treason committed with intent 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.

Liability shall be imposed for any attempt, preparation or conspiracy to commit such high treason.

Instigation of war

Art. 13. Instigation of war, whereby a person provokes, with foreign assistance, a danger that the country will be drawn into war or other hostilities, shall be deemed an offence against the freedom of the press.

Espionage

Art. 14. Espionage, whereby, in order to assist a foreign power or the equivalent, a person without authorisation forwards, conveys or discloses information concerning defence installations, weapons, storage installations, imports, exports, manufacturing methods, negotiations, decisions or other circumstances the disclosure of which to a foreign power or the equivalent could cause detriment to Sweden's security shall be deemed an offence against the freedom of the press.

Liability shall be imposed for any attempt, preparation or conspiracy to commit such espionage.

Foreign espionage

Art. 14a. Foreign espionage, whereby, in order to assist a foreign power or the equivalent other than in a case under Article 14, a person without authorisation forwards, conveys or discloses secret information arising in the context of cooperation with another state or an international organisation, or in an international organisation of which Sweden is a member, the disclosure of which to a foreign power or the equivalent is intended to cause serious detriment to Sweden's relationship with another state or an international organisation shall be deemed an offence against the freedom of the press.

An act shall not constitute an offence if it, with regard to the purpose and other circumstances, is justifiable.

Liability shall be imposed for any attempt, preparation or conspiracy to commit such foreign espionage.

Unauthorised handling of secret information

Art. 15. Unauthorised handling of secret information, whereby a person, without authorisation but with no intent to assist a foreign power or the equivalent, forwards, conveys or discloses information:

1. under Article 14, if the information concerns any circumstance of a secret nature; or
2. under Article 14a

shall be deemed an offence against the freedom of the press.

An act under paragraph one, point 2, shall not constitute an offence if it, with regard to the purpose and other circumstances, is justifiable.

Liability shall be imposed for any attempt or preparation aimed at such unauthorised handling of secret information.

The same applies to conspiracy to commit such an offence, if the offence is regarded as gross. When assessing whether the offence is gross, particular consideration is given to whether the act involved assisting a foreign power or the equivalent, or was of an exceptionally dangerous nature in view of ongoing war, or concerned circumstances of major significance, or whether the offender disclosed information entrusted to him or her in conjunction with public or private employment.

Carelessness with secret information

Art. 16. Carelessness with secret information, whereby through gross negligence a person, without authorisation, forwards, conveys or discloses information:

1. under Article 14, if the information concerns any circumstance of a secret nature; or
2. under Article 14a

shall be deemed an offence against the freedom of the press.

An act under paragraph one, point 2 shall not constitute an offence if it, with regard to the purpose and other circumstances, is justifiable.

Treason or betrayal of country

Art. 17. Treason or betrayal of country, whereby a person, when the country is at war or provisions of law relating to such offences otherwise apply:

1. misleads or betrays persons active in the defence of the country or induces them to mutiny, break faith or lose heart;
2. betrays property of significance for the total defence system; or
3. commits any other similar treasonable act which is liable to cause detriment to the total defence system or which involves assistance to the enemy,

shall be deemed an offence against the freedom of the press.

Liability shall be imposed for any attempt, preparation or conspiracy to commit such treason or betrayal of country.

Carelessness detrimental to the interests of the country

Art. 18. Carelessness detrimental to the interests of the country, whereby through negligence a person commits an act referred to in Article 17, shall be deemed an offence against the freedom of the press.

Dissemination of rumours which endanger the security of the country

Art. 19. Dissemination of rumours which endanger the security of the country, whereby a person, when the country is at war or provisions of law relating to such offences otherwise apply:

1. spreads false rumours or other false statements liable to endanger the security of the country among the public or to a foreign power; or

2. disseminates among members of the armed forces false rumours or other false statements liable to provoke disloyalty or to dishearten,

shall be deemed an offence against the freedom of the press.

Publication offences

Art. 20. A person who:

1. by deliberate intent publishes an official document to which the public does not have access, if he or she 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 by deliberate intent disregards a duty of confidentiality under a special act of law; or
3. publishes information, when the country 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 country other than an offence under this Chapter,

shall be deemed to have committed an offence against the freedom of the press.

Exceptions

Art. 21. No statement in an advertisement or other similar 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.
This applies in a similar manner to a communication conveyed in cypher or by other means secret from the general public.

Offences against the freedom to communicate and procure information

Offences by communicators of information

Art. 22. If a person communicates information under Chapter 1, Article 7, paragraph one, with the purpose of publication in printed matter, thereby rendering himself or herself guilty of:

1. insurrection, high treason, espionage, gross espionage, foreign espionage, gross foreign espionage, gross unauthorised handling of secret information, treason, 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.

Paragraph one applies in a similar manner if the offence is committed by a person who, without being responsible under the provisions of Chapter 8, contributes to material intended for insertion in printed matter, as author or other originator, or as editor.

The provisions of Chapter 2, Article 22, paragraph one of the Instrument of Government shall apply in respect of provisions under paragraph one, point 3.

Offences by procurers of information

Art. 23. If a person procures information under Chapter 1, Article 7, paragraph two, with the purpose of publication in printed matter, or with the purpose of communicating information**,** thereby rendering himself or herself guilty of an offence under Article 22, paragraph one, provisions of law concerning liability for such an offence apply.

Further provisions on offences against the freedom of the press

Sanctions

Art. 24. Provisions of law relating to penal sanctions for offences under Articles 2–20 apply also in a case in which the offence is deemed to be an offence against the freedom of the press.

When determining sanctions, it shall be taken into account whether an item of published information has been amended, and whether the amendment has consequently been published in an appropriate manner.

Publication of the judgment

Art. 25. If the defendant is convicted for defamation or insulting language or behaviour under Article 3 or 4, and the printed matter is a periodical, the court may decide, at the request of the opposite party, that the judgment shall be inserted in the periodical.

Confiscation

Art. 26. Printed matter constituting an offence against the freedom of the press may be confiscated.

Confiscation of printed matter means the destruction of all copies intended for dissemination. Confiscation also means that action shall be taken to ensure that forms, lithographic stones, stereotypes, plates and other such material adapted exclusively to the printing of the matter cannot be misused.

When assessing the matter of confiscation, it shall be taken into account whether an item of published information has been amended, and whether the amendment has consequently been published in an appropriate manner.

Deletion from a database containing supplements

Art. 27. If the provision through a database of the kind referred to in Chapter 1, Article 5 or 6 involves an offence against the freedom of the press, the court may decide that the person responsible for the illegal statement shall delete it from the database within a certain time decided by the court.

If statutory time limits have come into force, a decision under paragraph one shall be directed at the person who would otherwise have been responsible for the offence.

Art. 28. Failure to comply with a decision under Article 27 shall result in a fine or imprisonment for up to one year.

Ban on publication

Art. 29. If the country is at war, a court may decide in conjunction with the confiscation of a periodical, to prohibit the publication of the periodical for a certain period. Such a prohibition may only be issued in the case of an offence referred to in Article 10, 12–14 or 15, if the offence is to be regarded as gross, and in Article 17. The ban may apply for a maximum of six months from the date on which the court's ruling in the freedom of the press case came into legal force.

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 for offences against the freedom of the press

Periodicals

Responsible editor and deputy

Art. 1. Liability for an offence against the freedom of the press committed in 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 in the place of the responsible editor, the deputy is liable.

Art. 2. The responsible editor is liable for offences against the freedom of the press, even in cases when a deputy is acting in place of the responsible editor, provided:

1. the deputy was no longer qualified at the time when the periodical was published or the appointment had otherwise been terminated; or
2. the deputy was appointed for appearance's sake or was manifestly incapable of exercising the powers set out in Chapter 5, Article 4.

Owner

Art. 3. The owner of the periodical is liable for offences against the freedom of the press if no certificate of no legal impediment to publication existed at the time when the periodical was published.

If a certificate of no legal impediment to publication existed, the owner is liable for offences against the freedom of the press, provided:

1. there was no qualified responsible editor at the time when the periodical was published; or
2. the editor was appointed for appearance's sake or was manifestly incapable of exercising the powers set out in Chapter 5, Article 4.

Printer

Art. 4. If the identity of the owner at the time when the periodical was published cannot be established, the printer is liable for offences against the freedom of the press in place of the owner.

Disseminator

Art. 5. If a periodical is disseminated which lacks information concerning the name of the printer, and the identity of the printer cannot be ascertained, the disseminator is liable for offences against the freedom of the press in place of the printer. The same shall apply if the information concerning the name of the printer is incorrect and the disseminator is aware of this fact, but the identity of the printer cannot be ascertained.

Non-periodical printed matter

Author

Art. 6. The author is responsible for offences against the freedom of the press in non-periodical printed matter if he or she 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 or her consent, or if his or her name, pseudonym, or pen-name appeared in the matter against his or her will.

Editor

Art. 7. If a particular editor has been identified in the manner prescribed in Chapter 3, Article 2 for printed matter which contains or is intended to contain contributions from several authors, the editor is liable for offences against the freedom of the press. The editor is not liable if the authors of the individual contributions are liable under Article 6.

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 or her name, pseudonym, or pen-name appeared in the matter against his or her will.

For the purposes of this Article, the editor is understood to be the person who, without being the author, delivers the matter for printing and publication.

Publisher

Art. 8. If neither the author nor the editor is liable under Article 6 or 7, the publisher is liable. The same applies if he or she was deceased when the matter was published.

The publisher is understood to be the person who has undertaken to print and publish the writings of another.

Printer

Art. 9. If there was no publisher under Article 8, or if the identity of the publisher cannot be ascertained, the printer is liable in place of the publisher. The same applies if it cannot be shown who the publisher is.

Disseminator

Art. 10. The provisions of Article 5 regarding the liability of the disseminator for offences against the freedom of the press apply in a similar manner to non-periodical printed matter.

General provisions

Transfer of liability in certain cases

Art. 11. If the person who would have been liable for offences against the freedom of the press under Article 2, 3, 6, 7 or 8 as the owner, author, editor or publisher has no known place of domicile within Sweden, and if his or her current whereabouts cannot be ascertained, liability shall pass to the person liable next thereafter.

However, the provisions of paragraph one shall not mean that liability for offences against freedom of the press on these grounds shall pass to the editor, other than in a case under Article 7, paragraph one, or to a disseminator.

Art. 12. If a circumstance which according to law excluded criminal responsibility in respect of the person liable for an offence against the freedom of the press as editor, owner, author or publisher under Article 1, 2, 3, 6, 7 or 8, liability passes on to the person next liable after him or her. This shall only apply if the person next liable was aware of, or should have been aware of, the circumstance.

Objection to liability

Art. 13. If a person who is accused of a freedom of the press offence wishes to invoke a circumstance which in accordance with this Chapter would entail that he or she would not be held liable, this circumstance shall be invoked prior to the main hearing. Otherwise the court may not take the circumstance into consideration.

Significance of liability

Art. 14. A person who is liable for a freedom of the press offence according to this Chapter shall be deemed to have had knowledge of the content of the printed matter and to have allowed its publication.

Chapter 9. Supervision and prosecution

The Chancellor of Justice and the Parliamentary Ombudsmen

Art. 1. The Chancellor of Justice shall monitor that the limits set for the freedom of the press under this Act 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 a preliminary investigation concerning such offences.

Only the Chancellor of Justice and a court of law may approve coercive measures on suspicion that such an offence has been committed, unless otherwise provided in this Act.

Art. 3. The Chancellor of Justice is likewise sole prosecutor in cases concerning offences against the freedom to communicate and procure information under Chapter 7, Articles 22 and 23. This applies on condition that these cases concern freedom of the press under Chapter 12, Article 1.

The Chancellor of Justice is furthermore sole prosecutor in cases otherwise relating to violations of provisions contained in this Act.

Rules may be laid down in law concerning the right of the Parliamentary Ombudsmen to act as a prosecutor in cases under this Article.

Rules concerning prosecution

The Government's reporting and consent to prosecution

Art. 4. 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 prosecution on account of an offence against the freedom of the press may be brought only with the Government's consent.

Statutory time limits in the case of public prosecution

Art. 5. Public prosecution on account of offences against the freedom of the press shall be brought in the case of a periodical for which a valid certificate of no legal impediment to publication existed at the time of publi-

cation, within six months, and in the case of other printed matter, within one year from the date of publication. Otherwise, it shall not be possible to institute legal proceedings (statutory time limit).

If public prosecution has been brought within the time specified in paragraph one, fresh proceedings may nevertheless be instituted after the given period against another person who is liable for the offence.

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

Art. 6. In respect of the application of Article 5, publication under Chapter 1, Article 5 or 6 shall be considered to have occurred when the programme was broadcast or released in the way intended in Chapter 1, Article 4 of the Fundamental Law on Freedom of Expression, or when the technical recording was released for dissemination.

Reporting and private prosecution

Art. 7. Provisions of law governing the right of an injured party to report an offence or bring charges on account of such an offence also apply to offences against the freedom of the press.

Confiscation and removal without prosecution

Art. 8. If no one is liable under Chapter 8 for a freedom of the press offence, the Chancellor of Justice or the injured party may apply to have the printed matter confiscated instead of instituting legal proceedings. The same shall apply if no summons can be served within Sweden on the person liable.

Art. 9. If such provision through a database under Chapter 1, Article 5 or 6 involves an offence against the freedom of the press, and there is no one who is liable for the offence under Chapter 8, the Chancellor of Justice or the injured party may request that the court instead of instituting legal proceedings should decide that the statement in question be removed from the database within the period determined by the court. The same shall apply if no summons can be served within Sweden on the person liable.

An application that a court should decide that a statement constituting a freedom of the press offence is to be removed may also be submitted by the Chancellor of Justice or the injured party if the person charged with removing the statement is unable to carry out the order.

An application under paragraph one or two may be submitted even though the offence is statute-barred.

Art. 10. Failure to comply with a decision under Article 9 shall result in payment of a fine or imprisonment for up to one year.

Chapter 10. Special coercive measures

Confiscation

Impoundment prior to confiscation and prosecution

Art. 1. If there are grounds for confiscation of printed matter on account of an offence against the freedom of the press, the printed matter may be impounded pending a decision regarding confiscation.

Art. 2. The Chancellor of Justice may order the printed matter to be impounded before prosecution has been brought on account of an offence against the freedom of the press, or an application has been made to the court for confiscation of the printed matter. A precondition is that the offence falls within the scope of public prosecution.

Rules may be laid down in law that a public prosecutor may be similarly empowered to order matter to be impounded.

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

When a public prosecutor has ordered matter to be impounded, the Chancellor of Justice shall be notified promptly. The Chancellor of Justice shall determine immediately whether the matter shall continue to be impounded.

Time limits

Art. 4. When the Chancellor of Justice has ordered matter to be impounded or has confirmed an impoundment under Article 3, paragraph two, prosecution shall be brought, or an application made for confiscation within two weeks from the date on which the Chancellor of Justice pronounced his or her decision. Otherwise the impoundment order lapses.

Impoundment after prosecution or an application for confiscation

Art. 5. Once prosecution has been brought for an offence against the freedom of the press or an application has been made for printed matter to be confiscated, the court is entitled to order the matter to be impounded and to rescind an impoundment order which has already been issued.

Examination of impoundment when a case is settled

Art. 6. When a case is settled, the court shall examine whether a previous impoundment order shall remain in force.

If the case is dismissed because the court is not competent, and if there is reason to suppose that there will be an application for confiscation in another case, the court may confirm the impoundment order for a particular period. If no proceedings are instituted within this period, the impoundment order lapses.

Paragraph two shall also apply when the court, on some other grounds, otherwise dismisses the case without determining whether the printed matter is of a criminal nature.

Information in impoundment orders

Art. 7. An impoundment order shall contain information indicating the passage or passages in the printed matter which occasioned the order and shall apply only to the volumes, parts, issues or instalments in which these passages occur.

Enforcement of impoundment orders

Art. 8. The police authority shall enforce an impoundment order immediately.

Art. 9. Impoundment of printed matter shall relate only to copies intended for dissemination.

Art. 10. Proof of an impoundment order shall be presented free of charge both to the person against whom the impoundment has been made and to the person who printed the matter. Such proof shall contain information indicating which section or sections in the printed matter occasioned the order. Such proof shall be presented as soon as possible.

Art. 11. If an impoundment order has been rescinded or has lapsed, enforcement of the order shall be suspended immediately and the impounded matter returned.

Impoundments for investigation

Art. 12. A copy of printed matter which can reasonably be presumed to have significance for the investigation of a freedom of the press case under Chapter 12 may be impounded.

The provisions of Articles 2, 3, 5, 7, 8 and 11 apply to such impoundment. Otherwise, general provisions of law relating to impoundment apply in relevant parts. Prosecution shall however always be brought 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 request from the Chancellor of Justice.

Coercive measures in the event of war or danger of war

Temporary ban on publication

Art. 13. If the country is at war, a temporary ban on publication may be issued for a periodical pending the court's decision under the provisions of Chapter 7, Article 29. The provisions of Articles 2, 4 and 5 apply to such decisions.

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 a ban on publication, or manifestly constituting a continuation of a periodical, the publication of which has thus been prohibited.

Safekeeping pending issue of an impoundment order

Art. 14. 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 5, that may induce members of the armed forces to neglect their duties, the printed matter may be taken into safekeeping pending issue of an impoundment order. A decision regarding safekeeping shall be taken by an officer competent in law to decide matters of disciplinary liability in respect of staff at the unit concerned.

If delay may prove detrimental, action under paragraph one may also be taken by another officer under provisions laid down in law. Such action shall however be reported promptly to the officer referred to in paragraph one. This officer shall immediately consider whether the printed matter shall remain in safekeeping.

Art. 15. When a decision has been made regarding safekeeping under the provisions of Article 14, the Chancellor of Justice shall be notified as soon as possible. The Chancellor of Justice shall consider immediately whether the printed matter shall be impounded.

Chapter 11. Damages

General conditions

Art. 1. A claim for damages based on a breach 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.

Provisions of law apply in respect of damages on account of offences under Chapter 7, Articles 21–23.

The provisions regarding damages in this Chapter shall also apply in relevant parts to matters under Chapter 7, Article 25 on the publication of judgments.

The provisions of Chapter 8, Article 14 also apply regarding damages for offences against the freedom of the press.

Who is liable

Art. 2. Only the person liable for an offence against the freedom of the press under Chapter 8 can be liable for damages.

Claims for damages which may be directed towards the responsible editor of a periodical or his or her deputy, may also be directed towards the owner. In the case of other printed matter, a claim for damages against the author or editor may also be directed towards the publisher.

Art. 3. If liability for an offence has been transferred to someone else under Chapter 8, Article 11 or 12, the claim for damages may also be directed towards the person who would have been liable, if and to the extent that grounds exist in law for such a claim.

Art. 4. If a person is liable for damages on account of an offence against the freedom of the press in his or her capacity as a representative of a legal person, the claim for damages may also be directed towards the legal person.

If a guardian, trustee or administrator is liable in that capacity for damages on account of an offence against the freedom of the press, the claim for damages may also be directed towards the person for whom the guardian, trustee or administrator has been appointed.

A claim for damages under this Article may be made if and to the extent that grounds exist in law for such a claim.

Art. 5. If two or more persons are liable for damages under this Chapter, they shall have joint and several liability for the damages. The apportionment of liability between the parties is determined in accordance with relevant provisions of law.

Damages in cases in which a penalty for the offence cannot be imposed

Art. 6. A claim for damages on account of an offence against the freedom of the press can be made even if the penalty for the offence cannot be imposed because of statutory time limits or any other reason.

Chapter 12. Court proceedings in freedom of the press cases

Freedom of the press cases

Art. 1. Freedom of the press cases under this Act are cases relating to:

1. liability or damages on account of an offence against the freedom of the press under Chapter 7, Articles 2–20;
2. liability or damages on account of an offence against the freedom to communicate information under Chapter 7, Article 22; or
3. confiscation or removal following an application under Chapter 9, Article 8 or 9.

Cases relating to liability or damages on account of an offence against the freedom to procure information under Chapter 7, Article 23 are also freedom of the press cases if the person who has procured the information has published this in printed matter or communicated it to someone else for the purpose of such publication. If the information has not been published or communicated to someone else for publication, the case shall only be tried as a freedom of the press case if it is obvious that the information was procured for the purpose of publication in printed matter.

Art. 2. Freedom of the press cases are heard by the district court in whose jurisdiction the county administrative board is situated. If there are grounds for allowing another district court in the county to hear freedom of the press cases, the Government may issue regulations to this effect.

The trial

Art. 3. In freedom of the press cases in which there is a question of liability, the question of whether an offence has been committed shall be tried by a jury of nine members.

If both parties have declared themselves willing, the case is determined 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 alone.

Art. 4. The jury shall have found that an offence has been committed if at least six members of the jury concur in that opinion. If the jury finds that an offence has been committed, the question shall also be examined 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.

Art. 5. If the jury finds that no offence has been committed, the defendant shall be acquitted.

Art. 6. If the district court's judgment is appealed, a superior court is no more entitled than the district court to overturn the jury's verdict.

Selection of jurors

Groups of jurors

Art. 7. Jurors shall be appointed for each county, and are divided into two groups. The first group shall consist of sixteen jurors and the second of eight. In the case of the Stockholm county, the first group shall however consist of twenty-four jurors and the second of twelve.

The jurors in the second group shall hold, or shall have held, appointments as lay assessors of a general court or an administrative court.

Elections

Art. 8. Jurors are appointed by election for a period of four calendar years.

Art. 9. Jurors shall be elected by the council of the local authority at the regional level in the county. Jurors in Gotland county are elected by Gotland municipal council.

If the jurors are to 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, the district court shall notify the authority responsible under paragraph one for arranging the election to this effect.

Eligibility requirements and other requirements pertaining to jurors

Art. 10. Jurors are to be Swedish citizens and registered as resident in the county. No person who is a minor or for whom an administrator has been appointed under special provisions of law may be a juror.

Jury members should be known for their soundness of judgment, independence and fairmindedness. Different social groups and currents of opinion, and different parts of the county, should be represented among the jurors.

Resignation of jurors and substitutes

Art. 11. A juror who has reached the age of sixty has the right to resign his or her appointment. If in any other circumstances a juror wishes to retire, the district court considers whether valid cause exists to prevent him or her from carrying out his or her duties. If a juror ceases to be eligible for election, the appointment lapses.

Art. 12. If a juror retires or ceases to be eligible for election, the electoral body shall, in accordance with Article 9, appoint a substitute for the remainder of the electoral period. The substitute shall be elected from the group of jurors to which the juror belonged.

The election may be conducted by the executive committee of the local authority at the regional level in the county, rather than the council: such an election is however valid only until the regional council next meets.

Appeals concerning the election of a juror

Art. 13. Any 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 appeals against decisions of a district court during court proceedings apply to appeals against decisions of a district court on a matter under paragraph one. There is no right of appeal against the decision of the court of appeal.

If an appeal is lodged, the election nevertheless remains valid unless the court rules otherwise.

How juries are composed

The procedure when juries are formed

Art. 14. 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. 15. Provisions of law relating to the disqualification of judges also apply to the disqualification of jurors.

Art. 16. 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.

The jury is then formed 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. 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 Stockholm county, each party is permitted to exclude five jurors in the first group and two in the second.

Art. 17. If only one of several co-parties wishes to exercise his or her right to exclude jurors, the exclusion shall also apply for the other parties. If the co-parties are unable to agree on which jurors they will exclude, the court makes the exclusion by lot.

The procedure in the case of disqualification or legal excuse

Art. 18. No person may avoid jury service without legal excuse.

If the number of members required in a group cannot be made up because of disqualification or legal excuse, the court nominates three jurors for each member required. Each party is permitted to exclude one of these persons. The jurors selected must meet the requirements specified for the jurors in that specific group.

No one may be nominated as a juror who has already been excluded in the same proceedings.

Further provisions concerning court proceedings

Joint jury

Art. 19. 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 formed jointly for several cases, the provisions of Article 17 concerning the exclusion of jurors in a case in which there is more than one party on one side apply in a similar manner.

Proceedings concerning damages or confiscation

Art. 20. If, in proceedings concerning liability under penal law, an action for damages is brought against a person other than the defendant, it is the defendant that shall take the measures laid down in Article 3, paragraph two, Article 16, paragraph two, and Article 18, paragraph two.

Art. 21. If an action for damages is brought which is not connected with criminal proceedings, the provisions of Articles 3–6 and 15–19 apply. 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. The same

applies to an action for confiscation of printed matter which is not connected with criminal proceedings.

In proceedings concerning confiscation under the provisions of Chapter 9, Article 8, the exclusion of jurors, which otherwise falls to the parties in the case, is made by the court by lot.

Paragraphs one and two also apply to proceedings concerning the removal of data from a database under the provisions of Chapter 9, Article 9.

More detailed provisions regarding court proceedings

Art. 22. More detailed provisions regarding court proceedings in freedom of the press cases may be laid down in law.

Where there are several district courts in one county which are competent to hear freedom of the press cases, the duties specified in Article 9, paragraph three and Articles 11, 13 and 14 shall be carried out by the district court designated by the Government.

War or danger of war

Art. 23. If 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 concerning:

1. the postponement of elections of jurors; or
2. exceptions to the right of a juror to resign his or her appointment.

It may be laid down in an act of law that the Government may adopt such provisions.

Chapter 13. Matter printed abroad

General provisions

Application of fundamental law

Art. 1. Regarding matter printed abroad and disseminated in Sweden, the following provisions apply, unless otherwise prescribed, in relevant parts:

– Chapter 1 on freedom of the press;
– Chapter 3 on the right to anonymity;
– Chapter 6 on the right to disseminate printed matter;
– Chapter 7 on offences against the freedom of the press, freedom to communicate information and freedom to procure information;
– Chapter 8, Articles 1–3, 6–8 and 11–14 on liability for freedom of the press offences;
– Chapter 9 on supervision and prosecution;
– Chapter 10 on special coercive measures;
– Chapter 11 on damages; and
– Chapter 12 on court proceedings in freedom of the press cases.

Art. 2. Matter printed abroad shall be deemed to have been published in

Sweden when it has been delivered here for sale or some other form of dissemination.

Art. 3. If a periodical which is printed abroad is intended primarily for dissemination in Sweden, the provisions of Chapter 5 regarding the right to publish printed matter apply in relevant parts.

Art. 4. A certificate of no legal impediment to publication is not required for publication of matter printed abroad which is not primarily intended for dissemination in Sweden. Should such a certificate exist, the provisions of Chapter 5 regarding the right to publish printed matter apply in relevant parts.

Liability of a person who has delivered printed matter for dissemination

Art. 5. 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 in Sweden.

If it is impossible to establish the identity of the person who has caused the matter to be delivered for dissemination, the person who is deemed to be the disseminator under Chapter 6 shall instead be liable. The same applies if, at the time of publication, the person who has caused the matter to be delivered for dissemination was not domiciled in Sweden.

Obligation to retain copies and legal deposits

Art. 6. The provisions of Chapter 4, Article 4 also apply to matter printed abroad.

Freedom to communicate and procure information

Art. 7. The provisions on the freedom to communicate and procure information in Chapter 1, Article 7 also apply to matter printed abroad which is published in Sweden, but is not primarily intended for dissemination in Sweden and for which there is no certificate of no legal impediment to publication.

However, paragraph one does not apply if:

1. the communication or procurement constitutes an offence against Sweden's security;
2. the communication contains release under Chapter 7, Article 22, paragraph one, point 2; or
3. the communication constitutes deliberate disregard of a duty of confidentiality.

Art. 8. The provisions on the freedom to communicate and procure information in Article 7 shall apply to printed matter not published in Sweden, if the information was issued or procured in Sweden.

Regarding periodicals, an author or other originator who has contributed material in the periodical is equated with a communicator of information.

Art. 9. The communicator has in such cases as those referred to in Articles 7 and 8 the right to anonymity under Chapter 3.

The provision on the exception from the duty of confidentiality in Chapter 3, Article 4, point 3 shall also cover other offences against Sweden's security than those stated here.

Art. 10. If a communication or procurement is punishable under Articles 7 or 8, the provisions on offences against the freedom to communicate and procure information in this Act shall apply.

Cases concerning liability or damages on account of such an offence are heard as freedom of the press cases, unless otherwise provided under Chapter 12, Article 1, paragraph two.

Chapter 14. General provisions

Re-opening of freedom of the press cases

Art. 1. Regarding the re-opening of freedom of the press cases, provisions of law apply.

If re-opening is granted in a case in which a jury has tried the question of whether an offence has been committed, the court shall at the same time decide that the case shall be resubmitted to a jury of the court which first pronounced judgment. This applies on condition that the decision to re-open the case is based on circumstances which may be presumed to have influenced the jury's deliberations.

If the matter is manifest, the court granting the retrial may instead revise the judgment immediately.

Appointment of a new jury

Art. 2. When, as a result of a ruling by a higher instance, a freedom of the press case in which a jury participated is to be retried before a jury of the court which first pronounced judgment, the provisions of Chapter 12, Articles 15–21, apply with respect to the appointment of a new jury.

Prompt handling

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

International legal assistance

Art. 4. In respect of international legal assistance, provisions of law shall apply. Such assistance may not be provided in breach of Swedish general legal principles in the area of the freedom of the press.

Non-Swedish citizens and non-Swedish legal persons

Art. 5. For those who are not Swedish citizens or Swedish legal persons, special restrictions may be laid down in law in respect of freedom of the press and the public nature of official documents.

Matters not regulated in this Act

Art. 6. General provisions of law or statute apply in matters not specifically regulated in this Act or special legislation enacted by virtue of this Act.

The Fundamental Law on Freedom of Expression

up to and including Swedish Code of Statutes (SFS) 2022:1525

Chapter 1. Freedom of expression according to this Fundamental Law

Purpose and basic principles

Art. 1. Everyone is guaranteed the right under this Fundamental Law, vis-à-vis the public institutions, publicly to express their thoughts, opinions and sentiments, and in general to communicate information on any subject whatsoever on sound radio, television and certain similar transmissions, through public playback of material from a database, and in 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 by virtue of this Fundamental Law.

Scope

Definitions

Art. 2. In this Fundamental Law the following terms have the following meanings:

programmes: the content of sound radio, television, or other transmissions of sound, images or text made using electromagnetic waves, as well as the content of certain public playbacks from a database; technical recordings: recordings that contain text, images or sound that can only be read, listened to or otherwise comprehended using technical devices;

database: a collection of information stored for electronic data processing.

Transmissions

Art. 3. This Fundamental Law applies to transmissions of programmes which are directed to the general public and intended for reception using technical devices.

The provision to the general public by special request of live or recorded programmes is also considered to be transmission of programmes, provided the starting time and the content cannot be influenced by the receiver and the programmes are provided by someone referred to in Article 4.

The provisions regarding programmes in this Fundamental Law also apply to programmes transmitted by satellite emanating from Sweden. Television programmes transmitted to Sweden by satellite from abroad

are considered to emanate from Sweden if the programmes are primarily intended for reception here in Sweden and transmitted onward here, unchanged, and at the same time.

Provision from databases

Art. 4. The provisions of this Fundamental Law regarding transmissions of programmes are also applied when information from a database, the content of which can only be modified by the person carrying out the activity, is provided to the public using electromagnetic waves

1. by one of the following:
   a) the editorial office of a printed periodical or a programme;
   b) an enterprise for the professional production of such printed matter referred to in the Freedom of the Press Act or of technical recordings;
   c) a news agency; or
   d) someone else, provided there is a certificate of no legal impediment to publication for the activity under Article 5; and
2. in one of the following ways:
   a) transmission by special request;
   b) transmission by prior agreement;
   c) production by special request of technical recordings, printed matter or images; or
   d) public playback.

Even if certain information in the database has been added by another person, this Fundamental Law applies to such parts of the database where it is clear that the information originates from the person carrying out the activity.

The provisions of paragraph one, point 1a do not apply to an editorial office that only provides such programmes referred to in Article 3, paragraph two.

Special provisions regarding databases with certificates of no legal impediment to publication

Art. 5. A certificate of no legal impediment to publication is issued if:

1. the activity is organised in the manner referred to in Article 4 and transmissions emanate from Sweden;
2. a qualified responsible editor has been appointed and has accepted the appointment; and
3. the activity has a name such that it cannot easily be confused with the name of another activity under Article 4.

Art. 6. A certificate of no legal impediment to publication is valid for ten years. The certificate then ceases to apply.

The certificate may be renewed, provided the preconditions exist for issue of such a certificate. It is renewed for ten years at a time with effect from the expiry of the preceding ten-year period.

If the preconditions for issuing a certificate no longer exist, it may be rescinded. The same applies if the activity has not commenced within six months from the date of issue of the certificate, or if the person carrying out the activity has given notice that the activity has been discontinued.

Art. 7. Every database shall have a name.

Provisions regarding the issue, discontinuation, renewal and withdrawal of a certificate of no legal impediment to publication may be laid down in law.

Provisions concerning penalties for persons breaching a provision under paragraph two may be laid down in law.

Technical recordings

Art. 8. 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.

A technical recording shall not be deemed to have been delivered for dissemination to the general public in Sweden merely on the grounds of its being sent to a recipient abroad.

The question of 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 16 or Chapter 4, Article 5.

Programmes and technical recordings equated with printed matter

Art. 9. Chapter 1, Articles 5 and 6 of the Freedom of the Press Act establish that certain programmes and technical recordings shall be equated with printed matter.

Basic provisions

Freedom to communicate and procure information

Art. 10. All persons shall be free to communicate information on any subject whatsoever, for the purpose of publication in programmes or technical recordings (freedom to communicate information). This freedom concerns information provided to:

– an author or other person who may be deemed to be the originator;
– an editor, editorial office or news agency; or
– an enterprise producing technical recordings.

All persons shall furthermore have the right to procure information on any subject whatsoever in order to communicate or publish it under paragraph one (freedom to procure information).

No restriction of these freedoms shall be permitted other than by virtue of this Fundamental Law.

Ban on censorship and ban on other obstructive measures

Art. 11. There shall be no prior scrutiny by a public authority or other public body of that which is intended for release in a programme or in technical recordings. Nor is it permitted for a public authority or other public body to take any action not authorised under this Fundamental Law to prohibit or prevent the production, publication or dissemination to the public of a programme or a technical recording on grounds of its content.

Art. 12. Notwithstanding the provisions of Article 11, rules may be laid down in law concerning the scrutiny and approval of moving images in such playback of material from a database referred to in Article 4, paragraph one, point 2d. The same is true for moving images in technical recordings intended for public showing.

Art. 13. It is not permitted for public authorities or other public bodies to prohibit or prevent possession or use of such technical devices as are necessary to receive programmes or comprehend the content of technical recordings, if the action has no support in this Fundamental Law. The same applies to any ban on the construction of cable networks for the transmission of programmes.

Principle of exclusivity

Art. 14. A public authority or other public body may not intervene against any person because he or she has abused the freedom of expression or contributed to such abuse in a programme or a 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.

Instructions regarding application

Art. 15. Any person entrusted with passing judgment on abuses of the freedom of expression or otherwise overseeing compliance with this Fundamental Law should always bear in mind in this connection that the freedom of expression is fundamental to a free society, direct his or her attention always more to subject matter and thought than to expression, to the aim rather than the manner of presentation, and, in case of doubt, acquit rather than convict.

Exceptions from fundamental law

Live broadcasts

Art. 16. In the case of programmes or part-programmes consisting of live 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 10, on the right to communicate and procure information for publication;

– Article 14, prohibiting interventions;

– Article 15, on the attitude to be adopted in applying this Fundamental Law;
– Chapter 2, on the right to anonymity;
– Chapters 5–8, on freedom of expression offences, offences against the freedom to communicate information and the freedom to procure information, liability for freedom of expression offences, supervision and prosecution and special coercive measures; and
– Chapter 11, Article 7, on the right to communicate and procure information for publication in programmes emanating from abroad.

Certain matters that may be regulated by law

Art. 17. Provisions concerning the following may be laid down in law:

1. the transmission of programmes intended primarily for reception abroad; or

2. programmes transmitted by cable but not intended for reception by a wider public.

Such provisions may not however apply to what is stated in Articles 10–13.

Art. 18. The provisions of Chapter 1, Articles 11 and 12 of the Freedom of the Press Act to the effect that rules may be laid down in law concerning originators' rights, certain commercial advertising, the provision of credit information, product information and the manner in which information is procured, as well as bans on making reproductions, descriptions or taking measurements, also apply to programmes and to the content of technical recordings.

Art. 19. Notwithstanding the provisions of this Fundamental Law, rules may be laid down in law concerning bans on commercial advertising in programmes or the conditions applying to such advertising.

The same applies to provisions concerning bans on and conditions applying to such advertising and the transmission of programmes financed wholly or in part by someone other than the person operating the programme service.

Art. 20. Notwithstanding the provisions of this Fundamental Law, rules may be laid down in law concerning bans on the publication of personal data:

1. which reveal ethnic origin, skin colour or other similar circumstance, political opinions, religious or philosophical conviction or membership of a trade union;

2. concerning health, sex life or sexual orientation;

3. which consist of genetic data or biometric data enabling the unambiguous identification of a natural person.

The provisions of paragraph one only apply if:

1. the personal data are included in a data collection that has been arranged in such a way that it is possible to search for or compile the data; and

2. with regard to the nature of the activities and the forms under which the data collection is made available, there is a particular risk of improper violation of individuals' personal privacy.

Exceptions regarding child pornography

Art. 21. This Fundamental Law does not apply to pornographic images of persons whose pubertal development is not complete or who are under the age of eighteen.

Chapter 2. The right to anonymity

Art. 1. The originator of a programme or technical recording is not obliged to disclose his or her identity. The same applies to a person taking part in such a production and to a person who has communicated information for publication under Chapter 1, Article 10.

Art. 2. In cases concerning liability, damages or special legal effects on account of freedom of expression offences occurring in a programme or technical recording, no person may enquire into the identity of the originator of the production, or of a person who took part in it, made it available for publication or communicated information under Chapter 1, Article 10.

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

Notwithstanding the provisions of paragraph one, cases which concern freedom of expression offences may be examined in the same court proceedings as cases which concern offences under Chapter 5, Articles 4 and 5.

Duty of confidentiality

Art. 3. A person who has been concerned in the production or dissemination of a production comprising or intended to form part of a programme or technical recording may not disclose what has come to his or her knowledge in this connection concerning the identity of the person who originated the production or made it available for publication, took part in it or communicated information under Chapter 1, Article 10.

The duty of confidentiality under paragraph one also applies to a person who in some other way has been active in an enterprise that produces technical recordings or transmits programmes, or in a news agency.

Art. 4. The duty of confidentiality under Article 3 does not apply in the following cases:

1. the person in whose favour the duty of confidentiality operates has given his or her consent to the disclosure of his or her identity;
2. it is permitted under Article 2, paragraph two to consider the question of identity;

3. the matter concerns one of the offences under Chapter 5, Section 4, paragraph one, point 1;
4. in a matter concerning an offence under Chapter 5, Article 3 or 4, paragraph one, point 2 or 3, a court of law deems it necessary for information to be produced as to whether the defendant, or the person suspected on reasonable grounds of the offence, has communicated information or contributed to the production. In such a case, the information shall be provided during proceedings; or
5. in any other case, a court of law deems it to be of exceptional importance, with regard to a public or private interest, for information concerning identity to be produced on examination of witnesses or of a party in the proceedings under oath.

In examination under paragraph one, 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.

Ban on inquiries

Art. 5. A public authority or other public body may not inquire into the identity of:

1. the originator of an item published or intended for publication in a programme or technical recording or a person who has taken part in such an item;
2. the person who made available or intended to make available for publication an item in a radio programme or a technical recording; or
3. the person who communicated information under Chapter 1, Article 10.

The ban under paragraph one does not prevent inquiries into identity where necessary for the purpose of such prosecution or other action against him or her if the action is not contrary to the provisions of this Fundamental Law. In such cases, the duty of confidentiality under Article 3 shall be respected.

Ban on reprisals

Art. 6. A public authority or other public body may not intervene against a person because he or she has in a programme or a technical recording made use of his or her freedom of expression or assisted in such use.

Penalties

Art. 7. A fine or imprisonment for up to one year shall be imposed on a person who:

1. through negligence or deliberate intent breaches a duty of confidentiality under Article 3;
2. through negligence or deliberate intent in a programme or a technical recording communicates incorrect information concerning the identity of a person who originated the production or made it available for publication, took part in it or communicated information in it;

3. through deliberate intent makes inquiries in breach of Article 5; or
4. through deliberate intent intervenes in breach of Article 6, if the said action constitutes summary dismissal, notice of termination, imposition of a disciplinary sanction or a similar measure.

Legal proceedings may be instituted on account of an offence under paragraph 1, points 1 and 2 only if the injured party has reported the offence for prosecution.

Chapter 3. The right to transmit, produce and disseminate

Transmission of programmes

The right to transmit by cable

Art. 1. Every natural and legal person has the right to transmit programmes by cable.

Art. 2. Notwithstanding the freedom which follows from Article 1, provisions may be laid down in law concerning:

1. the obligation of network owners to make space available for certain programmes, to the extent necessary with regard to the public interest in access to comprehensive information and for associated services consisting of or facilitating access to subtitles, interpretation, spoken text or similar technologies intended to make the programmes accessible to people with functional disabilities;
2. the obligation of network owners to make space available for transmissions, to the extent necessary with 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 recipients of influence over programme choice;
4. the obligation of those who transmit television programmes or provide such programmes by transmission from a database under Chapter 1, Article 4, paragraph one, point 2a, to make the programmes accessible to people with functional disabilities by means of subtitling, interpretation, spoken text, or similar technical devices;
5. the obligation of those who transmit television programmes or provide such programmes by transmission from a database under Chapter 1, Article 4, paragraph one, point 2a, to promote the production of and accessibility to programmes of European origin;
6. interventions against continued programming prominently featuring depictions of violence, pornographic images, or agitation against a population group; or
7. conditions for the transmission of programmes for activities conducted with the purpose of transmission of sound radio or television for public service, provided the task is financed with public funds.

Transmission other than by cable

Art. 3. The right to transmit radio programmes other than by cable 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.

Art. 4. The opportunity shall exist for organised groups of persons to obtain a licence to transmit sound radio programmes on local radio broadcasts, insofar as available frequencies permit. More detailed provisions on this may be laid down in law.

Certain conditions determining restrictions on the right to transmit

Art. 5. In the case of restrictions on the right to transmit programmes envisaged in Articles 2–4, the provisions of Chapter 2, Articles 21–23 of the Instrument of Government concerning restrictions of fundamental rights and freedoms apply.

Editorial independence

Art. 6. A person transmitting radio programmes is free to determine independently the content of the programmes.

Judicial examination

Art. 7. Questions concerning the right to transmit programmes are examined before a court of law or a tribunal, the composition of which is laid down in law and whose chair shall hold currently, or shall have held previously, an appointment as a permanent salaried judge. A government decision shall be examined before a court of law and need relate only to the legality of the decision.

If the matter relates to an 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 provisions laid down in law. This does not however apply if the matter relates to a breach of provisions or conditions regarding commercial advertising, other advertising or transmission of programmes under Chapter 1, Article 19.

Obligation to retain recordings and legal deposits

Art. 8. Provisions may be laid down in law concerning the obligation to retain recordings of programmes and keep them available for subsequent scrutiny and to furnish them to archives.

Exception for maps, drawings or pictures representing Sweden

Art. 9. Provisions aimed at preventing the dissemination through programmes of maps, drawings or images which represent Sweden, either in whole or in part, and which contain information of significance for the defence of the country, may be laid down in law.

Production and dissemination of technical recordings

The right to produce and disseminate technical recordings

Art. 10. Every natural and legal person has the right to produce and disseminate technical recordings. Scrutiny and approval under Chapter 1, Article 12 may however be required for the right to show in public a film, video recording or other technical recording containing moving images.

Exceptions from the right to disseminate technical recordings

Art. 11. Notwithstanding the provisions of this Fundamental Law, provisions laid down in law shall apply in cases 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 images with detailed representations of a realistic nature which include acts of violence or threats of violence against persons or animals.

Art. 12. Notwithstanding the provisions of this Fundamental Law, rules may be laid down in law on penalties and special legal effects in respect of a person who:

1. exhibits pornographic images in or at a public place by displaying them or showing them in a similar way liable to cause offence to the general public;
2. supplies pornographic images 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 breaches provisions concerning the scrutiny and approval of films, video recordings or other technical recordings containing moving images which are intended for public showing, and of moving images in such a public playback from a database under Chapter 1, Article 4, paragraph one, point 2 d.

Art. 13. Provisions aimed at preventing the dissemination through technical recordings of maps, drawings or images which represent Sweden either in whole or in part, and which contain information of significance for the defence of the country**,** may be laid down in law.

Obligation to retain copies and legal deposits

Art. 14. 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 to provide information in connection with such an obligation.

Obligation to forward technical recordings

Art. 15. No person who has an obligation under an act of law or other statute to forward technical recordings may refuse to do so or make this obligation subject to special conditions on grounds of their content. However, this does not apply if forwarding would constitute a violation such as that under Article 18, paragraph two or Article 19.

Anyone who has an obligation under paragraph one and who has accepted a technical recording for forwarding shall not be deemed to be the disseminator of the recording.

Indication of origin

Art. 16. Copies of technical recordings shall be provided with clear information indicating who caused the recording to be made, whether the copy was produced in Sweden and whether it is intended for dissemination here. It shall also be stated when, where and by whom the copies were made. More detailed provisions in this connection may be laid down in law.

Notification of sales or rental activities

Art. 17. Provisions concerning an obligation of a person who professionally sells or rents films, video recordings or other technical recordings containing moving images 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.

Penalties

Art. 18. A person who produces a technical recording and thereby breaches through negligence or by deliberate intent, Article 16, or provisions referred to therein, shall be sentenced to payment of a fine or to imprisonment for up to one year.

A person who disseminates a technical recording which lacks, through negligence or deliberate intent, any of the information prescribed in Article 16 shall be sentenced to payment of a fine. The same applies if such information is incorrect and this fact is known to the disseminator.

Art. 19. A person who knowingly disseminates a technical recording after it has been impounded or confiscated under this Fundamental Law shall be sentenced to payment of a fine or to imprisonment for up to one year.

Recordings, printed matter and images from a database

Art. 20. The name of the database and information about when, where and how the recording, printed matter or image was produced shall be apparent from such a technical recording, printed matter or image under Chapter 1, Article 4, paragraph one, point 2c. The person carrying out the activity shall ensure that the recording, printed matter or image carries such information. More detailed provisions in this connection may be laid down in law.

Art. 21. A person who breaches, through negligence or by deliberate intent, Article 20 or provisions referred to therein, shall be sentenced to payment of a fine or to imprisonment for up to one year.

A person who, through negligence or by deliberate intent, supplies a technical recording, printed matter or image under Chapter 1, Article 4, paragraph one, point 2 c, which lacks any of the information prescribed in Article 20, shall be sentenced to payment of a fine. The same applies if such information is incorrect and this is known to the person supplying the recording, printed matter or image.

Chapter 4. Responsible editors

Requirements and powers

Art. 1. Programmes and technical recordings shall have a responsible editor. A programme editor shall be appointed for each 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 natural person who is domiciled in Sweden. No person who is a minor or who has been declared bankrupt, or for whom an administrator has been appointed under special provisions of law, may be a responsible editor.

Art. 3. The responsible editor shall have the power to supervise the public release of the item and to determine its contents in such a way that nothing may be printed therein against his or her will. Any restriction of these powers shall be null and void.

Information about responsible editor

Art. 4. Information shall be available to the general public concerning the identity of the responsible editor. More detailed provisions in this connection may be laid down in law.

Art. 5. 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 such a technical recording, printed matter or image which following an order has been produced from a database under Chapter 1, Article 4, paragraph one, point 2c. The responsible editor shall ensure that every copy carries such information.

Deputies

Art. 6. The responsible editor of a programme service may appoint one or more deputies. The provisions of Articles 2–4 also apply to deputies.

If the appointment of a responsible editor is terminated, appointments as deputies shall also be terminated.

Penalties

Art. 7. A person who, through negligence or by deliberate intent, breaches Article 1 shall be sentenced to payment of a fine. If the circumstances are exceptionally aggravating, the penalty shall be imprisonment for up to one year.

A person who, through negligence or by deliberate intent, breaches Article 5 shall be sentenced to payment of a fine.

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

Chapter 5. Offences against the freedom of expression, the freedom to communicate information and the freedom to procure information

Acts regarded as freedom of expression offences

Art. 1. The acts listed as freedom of the press offences in Chapter 7, Articles 2–20 of the Freedom of the Press Act shall be regarded as freedom of expression offences if they are committed in a programme or technical recording and are punishable under law.

Art. 2. Under the conditions stated in Article 1, unlawful portrayal of violence whereby a person intrusively or protractedly portrays in moving images gross acts of violence against persons or animals, with intent to disseminate the production, shall also be regarded as freedom of expression offences. However, this does not apply if the act is justifiable with regard to the circumstances.

Art. 3. An announcement in an advertisement or other such communication shall not be regarded as a freedom of expression offence if it is not readily apparent from the content that liability for such an offence may be incurred. If the communication is punishable, having regard also to circumstances which are not readily apparent from its content, provisions laid down in law shall apply.

The same applies to a communication conveyed in cypher or by other means secret from the general public.

Offences against the freedom to communicate and procure information

Art. 4. If a person communicates information under Chapter 1, Article 10 with a view to making it public in a programme or technical recording, thereby rendering himself or herself guilty of any of the following offences, provisions of law concerning liability for such an offence apply:

1. insurrection, high treason, espionage, gross espionage, foreign espionage, gross foreign espionage, gross unauthorised handling of secret

information, treason, 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; and
3. deliberate disregard of a duty of confidentiality, in cases specified in a special act of law.

Paragraph one applies in a similar manner if the offence is committed by a person who, without being liable under the provisions of Chapter 6, contributes as an author or originator to a production intended to be published in a programme or technical recording or participates by performing in the programme.

The provisions of Chapter 2, Article 22, paragraph one of the Instrument of Government shall apply in respect of proposals for provisions under paragraph one, point 3.

Art. 5. If a person procures information under Chapter 1, Article 10, paragraph two, with the purpose of publication in a programme or technical recording, or with the purpose of communicating information, thereby rendering himself or herself guilty of an offence under Article 4, paragraph one, provisions of law concerning liability for such an offence apply.

Further provisions concerning offences against the freedom of expression

Sanctions

Art. 6. Provisions of law relating to penal sanctions for offences under Articles 1 and 2 apply also in a case in which the offence is deemed to be a freedom of expression offence.

When determining sanctions, it shall be taken into account whether an item of published information has been amended, and whether the amendment has consequently been published in an appropriate manner.

Publication of the judgment

Art. 7. If the defendant is convicted for defamation or insulting language or behaviour in a programme under Article 1, the court may decide, at the request of the opposite party, that the judgment shall be reproduced, in full or in part, in a programme transmitted by the same broadcasting service.

The obligation to reproduce the judgment may relate to a summary prepared by the court.

Confiscation

Art. 8. 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 also apply.

In the event of confiscation, all copies intended for dissemination shall be destroyed. Such confiscation should also imply that measures are taken to ensure that material capable of being used specifically to duplicate the technical recording concerned cannot be used to make further copies.

When assessing the matter of confiscation, it shall be specially taken into account whether an item of published information has been amended, and whether the amendment has consequently been published in an appropriate manner.

Chapter 6. Liability for freedom of expression offences

Who is liable

Responsible editor and deputy

Art. 1. The responsible editor is liable for freedom of expression offences committed in a programme or technical recording.

If a deputy is acting in place of the responsible editor, the deputy is liable.

Art. 2. The responsible editor is liable, even in cases when a deputy is acting in place of the responsible editor, provided:

1. the deputy was no longer qualified at the time when the offence was committed;
2. the deputy 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 deputy has not been kept available to the general public in the prescribed manner.

The person operating the broadcasting service or causing the technical recording to be made

Art. 3. The person operating the broadcasting service or causing the technical recording to be made is liable for freedom of expression offences, provided:

1. there was no qualified 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.

Disseminator

Art. 4. A person who disseminates a technical recording is liable for freedom of expression offences instead of the person stated in Article 3, if

information as to who has caused the recording to be made under Chapter 3, Article 16:

1. is missing and it is not possible to ascertain the person's identity;
2. refers to a person who has no known domicile in Sweden and cannot be reached in Sweden during the court proceedings;
3. refers to a person who is domiciled abroad; or
4. is incorrect and this fact is known to the disseminator.

Liability for certain live broadcasts

Art. 5. In the case of live broadcasts of programmes other than programmes under Chapter 1, Article 16, it may be laid down in law that a person taking part in a programme shall himself or herself be liable for his or her own utterances.

Special regulations on the liability of the responsible editor for information in a database

Art. 6. If a responsible editor of a database under Chapter 1, Article 4, paragraph one, points 2 a–c has been notified by the Chancellor of Justice or the injured party that the database contains certain information that may represent a freedom of expression offence, and the responsible editor removes the information from the database within two weeks of receipt of the notification, he or she cannot be held liable for the information. This applies only if it can be assumed that the information was first made available from the database earlier than one year prior to the notification.

More detailed provisions on notifications under paragraph one may be laid down in law.

Art. 7. If a responsible editor of a database under Chapter 1, Article 4, paragraph one, points 2 a–c without prior notification under Article 6 has been served a summons petitioning for liability or damages for a freedom of expression offence concerning certain information in the database, and the responsible editor removes the information from the database within two weeks of having been served the summons, he or she cannot be held liable for the information.

Notwithstanding paragraph one, the responsible editor may be held liable if it can be assumed that the information began to be available from the database one year before the responsible editor was served with the summons or later.

Objection to liability

Art. 8. If a person who is accused of a freedom of expression offence wishes to invoke a circumstance which under this Chapter would entail that he or she would not be held liable, this circumstance shall be invoked prior to the main hearing. Otherwise the court may not take the circumstance into consideration.

The significance of liability

Art. 9. A person who is liable for a freedom of expression offence under this Chapter shall be deemed to have had knowledge of the content of the programme or the technical recording and allowed it to be transmitted or published.

Chapter 7. Supervision and prosecution

Main rule for supervision and prosecution

Art. 1. The provisions laid down in Chapter 9, Articles 1–7 of the Freedom of the Press Act concerning supervision and prosecution shall apply also with regard to programmes, technical recordings and freedom of expression cases, unless otherwise indicated by the provisions in this Chapter.

Delegation by the Chancellor of Justice of tasks of a public prosecutor

Art. 2. The Chancellor of Justice may, in the case of technical recordings, delegate a public prosecutor to act as a prosecutor in a freedom of expression case which concerns liability or confiscation on account of unlawful threats, agitation against a population group, unlawful portrayal of violence, threats made against a public servant, obstructing the course of justice or offences against civil liberty. The right to institute legal 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.

Time limits for public prosecution

Art. 3. The period within which public prosecution may be brought for a freedom of expression offence is in the case of:

1. programmes six months from the date on which the programme was broadcast;
2. provision of information under Chapter 1, Article 4, paragraph one, points 2 a–c six months from the date on which the information was no longer kept available;
3. public playback from a database under Chapter 1, Article 4, paragraph one, point 2 d six months from the date of the playback; and
4. technical recordings one year from the date on which the recording was published.

In the case of technical recordings which lack any of the information prescribed under Chapter 3, Article 16, however, the rules laid down in law concerning the period during which an action may be brought apply, with the limitation that public prosecution may not be brought more than two years from the date on which the recording was brought to the attention of the Chancellor of Justice.

Confiscation without prosecution

Art. 4. 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 injured party may apply to have the recording confiscated instead of instituting legal proceedings. The same applies if no summons can be served in Sweden on the person liable for the offence.

Examination and supervision in certain cases

Art 5. Provisions may be laid down in law that a tribunal, the composition of which is laid down in law and whose chair shall hold currently, or shall have held previously, an appointment as a permanent salaried judge, shall examine whether programmes that someone has transmitted comply with the rules or other conditions applying to such transmissions.

Such a tribunal may only express an opinion and instruct the transmitter to observe the provisions or conditions. The act of law may prescribe that an injunction delivered by the tribunal 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 7.

Art. 6. Provisions may be laid down in 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 images by means of unlawful portrayal of violence. Such supervision may also 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.

Provisions may be laid down in law that an authority upon supervision shall be empowered to take temporarily into safekeeping a copy of a film, video recording or technical recording containing moving images which it can be presumed includes unlawful portrayal of violence.

Art. 7. The provisions concerning restrictions of fundamental rights and freedoms contained in Chapter 2, Articles 21–23 of the Instrument of Government apply in respect of provisions under Articles 5 and 6.

Chapter 8. Special coercive measures

Impoundment of technical recordings

Principal rule

Art. 1. 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, unless otherwise indicated by the provisions in this Chapter.

Special rules concerning impoundment

Art. 2. When the Chancellor or Justice has decided on impoundment or established that such impoundment shall take place, the court may, following a request from the Chancellor of Justice, allow an extension under Chapter 10, Article 4 of the Freedom of Press Act, if the time is insufficient with regard to the scope of the impoundment or for any other reason. 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.

Art. 3. If the Chancellor of Justice has delegated a public prosecutor to act as prosecutor in a freedom of expression case under Chapter 7, Article 2, the provisions of this Chapter and of Chapter 10, Articles 2, 4 and 12 of the Freedom of the Press Act regarding the tasks of the Chancellor of Justice shall also apply to the public prosecutor. However, the provisions of Chapter 10, Article 3, paragraph two of the Freedom of the Press Act concerning the notification of impoundment do not apply to a public prosecutor.

Art. 4. Impoundment orders regarding technical recordings shall contain information indicating which section or sections in the production occasioned the order.

If it is not possible when effecting an impoundment order under Chapter 10, Article 12 of the Freedom of the Press Act to indicate every section in detail that has given rise to the impoundment order, the sections which are being adduced as of a criminal nature shall be set out in a separate decision after the event. Such a decision shall be issued as soon as possible.

Impoundment relates only to the specific discs, reels or other such parts of the recording in which the sections occur.

Art. 5. Proof of an impoundment order shall be presented to the person against whom the impoundment has been made and to the person who caused the technical recording to be made. Such proof shall contain information indicating which section or sections in the recording occasioned the order. Such a decision shall be presented as soon as possible.

Impoundment of recordings, printed matter and images from a database

Art. 6. The provisions concerning an impoundment order under Chapter 10, Article 12 of the Freedom of the Press Act apply to a freedom of expression offence concerning a recording, printed matter or image which has been ordered from a database under Chapter 1, Article 4, paragraph one, point 2 c. However, what is prescribed in Articles 4 and 5 applies in the case of technical recordings instead of Chapter 10, Articles 7 and 10.

Chapter 9. Damages

General conditions

Art. 1. A claim for damages based on a breach of the freedom of expression through the content of a programme or a technical recording may be based only on the fact that the programme or the technical recording to which the claim relates contains a freedom of expression offence.

Provisions of law apply in respect of damages on account of offences under Chapter 5, Articles 3–5.

The provisions regarding damages in this Chapter shall also apply in relevant parts to claims under Chapter 5, Article 7 that a judgment regarding defamation or using insulting language or behaviour shall be reproduced in a programme.

The provision in Chapter 6, Article 9 also applies in respect of damages as a result of freedom of expression offences in a programme or a technical recording.

Who is liable

Art. 2. A person who is liable for a freedom of expression offence under Chapter 6 is also liable for damages.

A claim for damages can also be directed towards the person who operates the programme service or has caused the technical recording to be made.

If a responsible editor is not liable for a freedom of expression offence as a consequence of Chapter 6, Articles 6 and 7, neither is he or she liable for damages.

Art. 3. In the case of live broadcasts under Chapter 1, Article 16, the perpetrator is liable for damages as a result of offences he or she has committed in the broadcast.

Claims for damages may also be directed towards the person who operates the programme service.

Art. 4. If the person who has been liable for a freedom of expression offence in a technical recording 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 4, Articles 1 and 2 to the person who disseminates the recording, a claim for damages may still also be directed towards the person who has been liable. This applies to the extent that such damages can be awarded in law.

Art. 5. If a person is liable for damages on account of a freedom of expression offence in his or capacity as a representative for a legal person, a claim for damages may also be directed towards the legal person.

If a guardian, trustee or administrator is liable in that capacity for damages on account of a freedom of expression offence, a claim for damages may also be directed towards the person for whom the guardian, trustee or administrator has been appointed.

A claim for damages under this Article may be made if and to the extent that grounds exist in law for such a claim.

Art. 6. If two or more persons are liable for damages under this Chapter, they shall be jointly liable for the damages. Concerning liability between them, provisions laid down in law shall apply.

Damages in cases when the penalty for the offence cannot be imposed

Art. 7. A claim for damages in connection with a freedom of expression offence can be made despite the fact the penalty for the offence cannot be imposed because of statutory time limits or any other reason.

Chapter 10. 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 also apply in respect of corresponding cases referring to programmes and technical recordings (freedom of expression cases). The reference in Chapter 12, Article 3 of the Freedom of the Press Act to Chapter 8 of the Freedom of the Press Act shall apply to Chapter 6 of this Fundamental Law.

Those who have been appointed as jury members for freedom of the press cases shall also be jury members for freedom of expression cases.

Chapter 11. Programmes and technical recordings from abroad

Onward transmissions of programmes from abroad

Art. 1. In the case of simultaneous and unmodified onward transmission of programmes under Chapter 1, Article 3 emanating from abroad or transmitted in Sweden by satellite but not emanating from Sweden, the provisions of this Fundamental Law apply only as regards:

– ban on censorship and ban on other obstructive measures under Chapter 1, Article 11;

– possession of technical devices and construction of cable networks under Chapter 1, Article 13;

– ban on interventions under Chapter 1, Article 14;

– the attitude to be observed under Chapter 1, Article 15 in applying this Fundamental Law;

– the right to transmit programmes by cable under Chapter 3, Article 1; and

– special rules for legislation and judicial examination under Chapter 3, Articles 5 and 7.

In addition, provisions on the freedom to communicate and procure information in Articles 4 and 7 shall be applied.

If the Riksdag has approved an international agreement concerning programmes, such provisions on advertising referred to in Chapter 1, Article 19 may not prevent onward transmission of programmes if this should conflict with the agreement.

Technical recordings from abroad

Art. 2. The provisions in Chapters 1–10 and Chapter 12 are applicable to such technical recordings that have been produced abroad and have been released for dissemination in Sweden. The provisions of this Fundamental Law which refer to the person who has caused the recording to be made shall then instead apply to the person who releases the recording for dissemination here in Sweden.

Freedom to communicate and procure information

Art. 3. The provisions on the freedom to communicate and procure information in Chapter 1, Article 10 also apply to technical recordings that have been produced abroad and that have been released for dissemination here but that are not primarily intended for dissemination in Sweden.

However, paragraph one does not apply if:

1. the communication or procurement contains an offence against the security of the country;
2. the communication contains such a release or provision as that referred to in Chapter 5, Article 4, paragraph 1, point 2; or
3. the communication constitutes a deliberate disregard of a duty of confidentiality.

Art. 4. The provisions on the freedom to communicate and procure information in Article 3 shall be applied to a technical recording which has not been released for dissemination in Sweden, if the information has been communicated or procured here.

Art. 5. The communicator has in such cases as those referred to in Articles 3 and 4 the right to anonymity under Chapter 2.

The provision on the exception from the duty of confidentiality in Chapter 2, Article 4, point 3 shall also cover other offences against the security of the country than those specified there.

Art. 6. If a communication or procurement is punishable under Articles 3 or 4, the provisions on offences against the freedom to communicate and procure information in this Fundamental Law shall apply.

Cases relating to liability or damages on account of such an offence are handled in accordance with the provisions regarding freedom of expression cases, unless otherwise indicated in Chapter 10, Article 1 of this Fundamental Law and Chapter 12, Article 1, paragraph 2 of the Freedom of the Press Act.

Art. 7. If a programme is broadcast from a transmitter outside Sweden, Articles 3–6 apply as regards the right to communicate and procure information and to be anonymous, provided the information has been communicated or procured here.

In the case of programmes broadcast from the open sea for from the air above the open sea, exceptions from the right to communicate or procure information may however be laid down in law.

Chapter 12. General provisions

Art. 1. The provisions laid down in Chapter 14, Sections 1–3 of the Freedom of the Press Act concerning the re-opening of closed cases, the appointment of a new jury and prompt handling of such cases also apply in respect of corresponding cases under this Fundamental Law.

International legal assistance

Art. 2. In respect of international legal assistance, the provisions of law shall apply. Such assistance may not be provided in breach of Swedish general legal principles in the area of the freedom of expression.

Non-Swedish citizens and non-Swedish legal persons

Art. 3. For those who are not Swedish citizens or Swedish legal persons, special restrictions may be laid down in law in respect of freedom of expression under this Fundamental Law.

Matters not regulated in this Fundamental Law

Art. 4. 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.

Many countries have a written constitution which regulates how society shall be governed. Sweden has four fundamental laws: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. These establish among other things how parliament and government are to be appointed and work, and protection for citizens' rights and freedoms. The organisation and work procedures of the Riksdag (the Swedish Parliament) are regulated in more detail in the Riksdag Act, which occupies an intermediate position between fundamental law and ordinary law.

The book begins with an overview of developments in relation to constitutional law in Sweden. This is followed by an account of the principal contents of the fundamental laws and the Riksdag Act. The main part of the book contains the fundamental laws in the wording in force from 1 January 2023 and the Riksdag Act in the wording in force from 1 September 2023.

SVERIGES RIKSDAG

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