

The Freedom of the Press Act (1949:105)

up to and including Swedish Code of Statutes (SFS) 2018:1801

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, declarations of ingredients 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; and
6. liability under penal law and liability for damages relating to the manner in which an item of information has been procured.

Art. 13. Notwithstanding the provisions of this Act, rules may be laid down in law on bans on the publication of personal data:

1. that reveal 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;
3. consisting of genetic or biometric data enabling the unambiguous identification of a natural person; or 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 received 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 decision. An appeal against a decision by a minister shall be lodged with the Government, and an appeal against a decision by another authority shall be lodged with a court of law.

The act 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 inquiries 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 an offence.

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, 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 could cause detriment to Sweden's security shall be deemed an offence against the freedom of the press. This shall apply regardless of whether or not the information is correct.

Liability shall be imposed for any attempt, preparation or conspiracy to commit such an offence.

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, forwards, conveys or discloses information concerning any circumstance of a secret nature, the disclosure of which to a foreign power could cause detriment to

Sweden's security, shall be deemed an offence against the freedom of the press. This shall apply regardless of whether or not the information is correct.

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 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 commits an act referred to in Article 15, shall be deemed an offence against the freedom of the press.

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, 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 publication, 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 county council of the county or, where the county includes a municipality which does not come under the county council, by the county council and the municipal council concerned. Jurors in Gotland county are elected by the 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 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 replacements

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 another person from among the group of jurors to which he or she belonged to replace him or her for the remainder of the electoral period.

Such a juror may be elected by the county council executive committee in place of the county council: such an election is however valid only until the county council next meets.

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.