

# **The Freedom of the Press Act**

## **Chapter 1. On the freedom of the press**

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

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

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

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

**Art. 2.** No written matter shall be scrutinised prior to printing, nor shall it be permitted to prohibit the printing thereof.

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

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

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

When determining penal sanctions for an abuse of the freedom of the press under this Act concerning a statement for which a correction has been demanded, special consideration shall be given to whether such a correction has been brought to the attention of the public in an appropriate manner.

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

1. a valid certificate of no legal impediment to publication exists in respect of the written matter;
2. or the written matter is supplied with a note indicating that it has been duplicated and, in association therewith, clear information concerning the identity of the person who duplicated it and the year and place of duplication.

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

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

**Art. 6.** An item of printed matter shall not be deemed to be such unless it is published. Printed matter is deemed to have been published when it has been delivered for sale or dissemination 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.

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

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

**Art. 8.** Provisions laid down in law apply in respect of the rights of the originator of a work of literature or art or a photographic image, in respect of rights related to such copyright, and in respect of the ban on reproducing works of literature or art in such a way as to violate cultural values.

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

1. bans on commercial advertising insofar as the advertisement is employed in the marketing of alcoholic beverages or tobacco products;
2. bans on commercial advertising employed in the marketing of goods other than tobacco products and services, if the advertisement contains a brand mark in use for a tobacco product, or which under current rules 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 accession to the European Communities;
4. 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
5. liability under penal law and liability for damages relating to the manner in which an item of information or intelligence has been procured.

**Art. 10.** 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. On the public nature of official documents**

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

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

1. the security of the Realm or its relations with another state or an international organisation;
2. the central fiscal, monetary or currency policy of the Realm;
3. the inspection, control or other supervisory activities of a public authority;
4. the 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 provisions for its application in an ordinance.

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

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

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

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

**Art. 4.** A letter or other communication which is directed in person to an official at a public authority is deemed to be an official document if it refers to a case or other matter falling within the authority's purview, and if it is not intended for the addressee solely in his or her capacity as holder of another position.

**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.

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

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

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

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

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

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

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

**Art. 9.** Nor shall a memorandum which has been prepared at a public authority, but which has not been dispatched, be deemed to be an official document at that authority after the time at which it would be deemed to have been drawn up under Article 7, unless it has been accepted for filing and registration. Memorandum is understood to mean any aide memoire or other note or record produced solely for the preparation or oral presentation of a matter, but not such part of it as contributes factual information to the matter.

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

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

**Art. 11.** The following documents 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 pictures, or other documents forming part of a library or deposited by a private person in a public archive solely for the purpose of care and 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.

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

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

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

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

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

The request is examined and approval granted by the authority indicated in paragraph one. If there are special grounds, it may however be laid down in a provision under Article 2, paragraph two, that in applying this rule, examination and approval shall rest with another public authority. In the case of a document of central significance for the security of the Realm, it may also be laid down in 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 forthwith.

No public authority is permitted to inquire into a person's identity on account of a request to examine an official document, or inquire into the purpose of his 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. 15.** Should anyone other than the Riksdag or the Government reject a request to examine an official document, or release such a document with a proviso restricting the applicant's right to disclose its contents or otherwise dispose over it, the applicant may appeal against the decision. An appeal against a decision by a minister shall be lodged with the Government, and an appeal against a decision by another authority shall be lodged with a court of law.

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

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

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 12 to 16, the Church of Sweden and any part of its organisation shall be equated with a public authority.

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

### ***Chapter 3. On the right to anonymity***

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

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

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

**Art. 3.** A person who has engaged in the production or publication of printed matter, or material intended for insertion therein, and a person who has been active in an enterprise for the publication of printed matter, or an enterprise which professionally provides news or other material to periodicals, 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 1, paragraph three, or an editor of non-periodical printed matter. The duty of confidentiality under paragraph one shall not apply:

1. if the person in whose favour the duty of confidentiality operates has given his or her consent to the disclosure of his or her identity;
2. if the question of identity may be raised under Article 2, paragraph one;
3. if the matter concerns an offence specified in Chapter 7, Article 3, paragraph one, point 1;

4. in cases where the matter concerns an offence under Chapter 7, Article 2 or 3, paragraph one, point 2 or 3, a court of law deems it necessary for information to be produced during the proceedings as to whether the defendant, or the person suspected on reasonable grounds of the offence, has communicated information or contributed to an item; or
5. 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 two, point 4 or 5, the court shall scrupulously ensure that no questions are put which might encroach upon a duty of confidentiality in excess of what is permissible in each particular case.

**Art. 4.** No public authority or other public body may inquire into the identity of the author of material inserted, or intended for insertion, in printed matter, a person who has published, or who intends to publish, material in such matter, or a person who has communicated information under Chapter 1, Article 1, paragraph three, except insofar as this is necessary for the purpose of such prosecution or other action against him or her as is not contrary to the provisions of this Act. In cases in which such inquiries may be made, the duty of confidentiality under Article 3 shall be respected. Nor may a public authority or other public body intervene against a person because he or she has in printed matter made use of his or her freedom of the press or assisted therein.

**Art. 5.** A person who, whether through negligence or by deliberate intent, inserts in printed matter the name, pseudonym or pen-name of the author, or, in a case under Article 1, the editor or source, against his or her wishes, or disregards a duty of confidentiality under Article 3, shall be sentenced to payment of a fine or to imprisonment for up to one year. The same penalty shall apply to a person who, whether through negligence or by deliberate intent, publishes in printed matter as that of the author, editor or source, the name, pseudonym or pen-name of a person other than the true author, editor or source.

Inquiries made in breach of Article 4, paragraph one, sentence one, if made deliberately, shall be punishable by a fine or imprisonment for up to one year. Deliberate action in breach of Article 4, paragraph two, provided the said measure constitutes summary dismissal, notice of termination, imposition of a disciplinary sanction or similar measure, shall be punishable by a fine or imprisonment for up to one year.

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

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

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

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

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

Chapter 1, Article 5, paragraph one lays down provisions concerning the publication of information under paragraph one in written matter duplicated by stencil, photocopying, or other similar technical process, in respect of which no valid certificate exists.

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

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

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

## **Chapter 5. On the publication of periodicals**

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

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

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

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

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

The tasks of a responsible editor shall include 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.

**Art. 4.** 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 has the required qualifications and a declaration from the responsible editor that he or she has accepted the appointment.

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

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

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

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

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

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

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

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

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

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

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

If the place of publication or the publishing schedule changes, the owner shall notify the authority referred to in Article 4 forthwith.

**Art. 9.** The responsible editor of a periodical may have one or more deputies. These deputies are appointed by the responsible editor. When a deputy is appointed, the authority referred to in Article 4 shall be notified accordingly. Notification shall be accompanied by proof that the deputy has the required qualifications for a responsible editor, by a declaration from the deputy that he or she has accepted the appointment and by a statement from the owner that he or she has approved the deputy.

The provisions of Article 2, paragraphs two and three, apply in a similar manner to deputies. If the appointment of a responsible editor is terminated, an appointment as deputy also lapses.

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

If it can be presumed that a responsible editor will be continuously pre-vented for at least one month, by reason of ill health or for any other temporary cause, from exercising the powers vested in him or her as responsible editor, he or she shall delegate these powers to a deputy forthwith. If no deputy exists, or if the appointment of the person or persons designated as a deputy or deputies is approaching termination, it shall be the responsibility of the responsible editor to provide as quickly as possible for the appointment of a deputy and to notify the appointment as laid down in Article 9.

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

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

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

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

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

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

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

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

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

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

If a responsible editor breaches the provisions of Article 11 the penalty is a monetary fine. This applies in a similar manner to a deputy acting as a responsible editor.

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

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

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

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

More detailed rules concerning the dissemination of maps of Sweden or parts thereof which contain information of significance for the defence of the Realm, and dissemination of plans or pictures of a similar nature, are laid down in law.

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

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

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

A common carrier who has accepted printed matter for carriage shall not be deemed to be a disseminator.

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

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

**Art. 2.** No statement in an advertisement or other 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. The foregoing applies in a similar manner to a communication conveyed in cypher or by other means secret from the general public.

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

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

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

The provisions of Chapter 2, Article 22, paragraph one of the Instrument of Government shall apply also in respect of proposals for provisions under paragraph one, point 3.

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

1. high treason, committed with intent to bring the Realm or any part of it under the subjection of a foreign power or render the Realm dependent on such a power by violent or other unlawful means or with foreign assistance, or to detach a part of the Realm by such means, or with foreign assistance to induce or prevent acts or decisions of the Head of State, the

Government, the Riksdag, the Supreme Court or the Supreme Administrative Court, insofar as the act implies a risk that the intent will be realised; any attempt, preparation or conspiracy to commit such high treason;

2. instigation of war, insofar as a danger that the Realm will be drawn into war or other hostilities is provoked with foreign assistance;
3. espionage, whereby, in order to assist a foreign power, a person conveys, consigns or discloses without due authority information concerning defence installations, armaments, storage installations, import, export, mode of fabrication, negotiations, decisions or other circumstances the disclosure of which to a foreign power could cause detriment to the total defence system or otherwise to the security of the Realm, regardless of whether the information is correct; any attempt, preparation or conspiracy to commit such espionage;
4. unauthorised trafficking in secret information, whereby a person, with-out due authority but with no intent to assist a foreign power, conveys, consigns or discloses information concerning any circumstance of a secret nature, the disclosure of which to a foreign power could cause detriment to the defence of the Realm or the national supply of goods in the event of war or exceptional conditions resulting from war, or otherwise to the security of the Realm, regardless of whether the information is correct; any attempt or preparation aimed at such unauthorised trafficking in secret information; conspiracy to commit such an offence, if the offence is gross, having particular regard to whether the act involved assistance to a foreign power or was exceptionally dangerous having regard to an existing state of war, or concerned circumstances of major significance, or if the offender disclosed information entrusted to him or her in conjunction with public or private employment;
5. carelessness with secret information, whereby through gross negligence a person commits an act referred to in point 4;
6. insurrection, committed with intent to overthrow the form of government by force of arms or otherwise by violent means, or induce or prevent by such means acts or decisions of the Head of State, the Government, the Riksdag, the Supreme Court or the Supreme Administrative Court, insofar as the act implies a risk that the intent will be realised; any attempt, preparation or conspiracy to commit such insurrection;
7. treason or betrayal of country, insofar as a person thereby, when the Realm is at war or provisions of law relating to such offences otherwise apply, misleads or betrays persons active in the defence of the Realm or induces them to mutiny, break faith or lose heart, or betrays property of significance for the total defence system, or commits any other similar treasonable act which is liable to cause detriment to the total defence system or which involves assistance to the enemy; any attempt, preparation or conspiracy to commit such treason or betrayal of country;
8. carelessness injurious to the interests of the Realm, whereby a person through negligence commits an act referred to in point 7;
9. dissemination of rumours which endanger the security of the Realm, whereby, when the Realm is at war or provisions of law relating to such offences otherwise apply, a person spreads false rumours or other false statements liable to endanger the security of the Realm, or communicates or promotes the communication of such rumours or statements to a foreign power, or disseminates among members of the armed forces false rumours or other false statements liable to provoke disloyalty or to dishearten;
10. sedition, whereby a person exhorts or otherwise seeks to encourage criminal acts, neglect of civil obligations, disobedience to a public authority or neglect of duty incumbent upon a serving member of the armed forces;

11. agitation against a population group, whereby a person threatens or expresses contempt for a population group or other such group with allusion to race, colour, national or ethnic origin, religious faith or sexual orientation;
12. offences against civil liberty, whereby a person makes unlawful threats with intent to influence the formation of public opinion or encroach upon freedom of action within a political organisation or professional or industrial association, thereby imperilling the freedom of expression, freedom of assembly or freedom of association; any attempt to commit such an offence against civil liberty;
13. unlawful portrayal of violence, whereby a person portrays sexual violence or coercion in pictorial form with intent to disseminate the image, unless the act is justifiable having regard to the circumstances;
14. defamation, whereby a person alleges that another is criminal or blameworthy in his or her way of life, or otherwise communicates information liable to expose another to the contempt of others, and, if the person defamed is deceased, the act causes offence to his or her survivors, or might otherwise be considered to violate the sanctity of the grave except, however, in cases in which it is justifiable to communicate information in the matter, having regard to the circumstances, and proof is presented that the information was correct or there were reasonable grounds for the assertion;
15. insulting language or behaviour, whereby a person insults another by means of offensive invective or allegations or other insulting behaviour towards him or her;
16. unlawful threats, whereby a person threatens another with a criminal act, in a manner liable to engender in the person threatened serious fears for the safety of his or her person or property or that of another;
17. threats made against a public servant, whereby a person, threatening violence, attacks another in the exercise of his 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, or whereby 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; any attempt or preparation so to threaten a public servant, unless the offence, if realised, would have been deemed to be petty; or
18. perversion of the course of justice, whereby a person, threatening violence, attacks another because 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 in order to deter him or her from such action, or whereby 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.

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

1. deliberately publishes an official document to which the public does not have access, if he 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 deliberately disregards a duty of confidentiality under the special act of law referred to in Article 3, paragraph one, point 3;

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

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

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

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

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

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

General provisions of law applying to forfeiture of objects on account of an offence apply to the confiscation of a periodical disseminated in violation of a ban on publication, or manifestly constituting a continuation of a periodical specified in such a ban.

## **Chapter 8. Liability rules**

### **On liability for periodicals**

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

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

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

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

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

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

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

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

**Art. 5.** Liability under penal law for an offence against the freedom of the press committed by means of non-periodical printed matter lies with the author, if he 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 therein against his or her will.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Art. 2.** The Chancellor of Justice is sole prosecutor in cases concerning offences against the freedom of the press. No one other than the Chancellor of Justice may institute a preliminary investigation concerning offences against the freedom of the press. 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.

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 legal proceedings on account of an offence against the freedom of the press may be instituted only with the Government's consent.

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

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

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

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

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

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

**Art. 1.** If there are grounds for the possible confiscation of printed matter on account of an offence against the freedom of the press, the printed matter may be impounded pending a decision.

In a case under Chapter 7, Article 8, an order may also be issued prohibiting publication of a periodical pending a decision by the court.

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

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

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

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

**Art. 5.** Once legal proceedings have been instituted for an offence against the freedom of the press or an application has been made to the court for printed matter to be confiscated, the court is entitled

to order the matter to be impounded and publication prohibited, or to rescind an impoundment order or order prohibiting publication which has already been issued.

In reaching its decision in such a case, the court shall determine whether an order which has been issued shall continue in force. If the case is dismissed because the court is not competent, or if the court otherwise dismisses the case without determining whether the printed matter is of a criminal nature, and if there is reason to suppose that there will be an application for confiscation in another case, the court may confirm the order for a particular period which the court determines. If no proceedings are instituted within this period, the order lapses.

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

**Art. 7.** The police authority shall execute an impoundment order immediately.

Chapter 6, Article 3 contains provisions of law concerning the prohibition of the dissemination of any item of printed matter which is subject to an impoundment order.

**Art. 8.** Impoundment of printed matter shall relate only to copies intended for dissemination.

Proof of impoundment of printed matter shall be provided as soon as possible, and free of charge, both to the person against whom impoundment was effected and to the person who printed the material. Such proof shall indicate the passage or passages in the printed matter which occasioned the impoundment order.

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

**Art. 10.** Repealed.

**Art. 11.** If the Realm is at war or exposed to the danger of war and printed matter is discovered at a unit of the armed forces which manifestly constitutes such criminal sedition under Chapter 7, Article 4, as may induce members of the armed forces to neglect their duties, the printed matter may be taken into safekeeping pending issue of an impoundment order, on a decision by the officer competent in law to decide matters of disciplinary responsibility in respect of the unit concerned.

If delay may prove detrimental, action under paragraph one may also be taken by another officer under provisions laid down in law, in the absence of a decision under paragraph one. Such action shall however be reported promptly to the officer referred to in paragraph one. This officer shall consider forthwith whether the printed matter shall remain in safekeeping.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

been committed is tried by a jury, the answer shall be deemed to be in the affirmative if at least six members of the jury concur in that opinion.

If the jury finds that no offence has been committed, the defendant shall be acquitted. If the jury 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 than that applied by the jury. A superior court to which the judgment of a district court has been referred on appeal is no more entitled than the district court to overturn the jury's verdict.

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

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

Jurors shall be elected by the county council of the county administrative district or, where the county administrative district includes a municipality which does not come under the county council, by the county council and the council of the municipality concerned. Jurors in the Gotland county administrative district are elected by the Gotland municipal council. If, under the foregoing, jurors 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.

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

**Art. 6.** A juror who has attained the age of sixty has the right to resign his 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. 7.** If a juror retires or ceases to be eligible for election, the electoral body shall appoint another person from among the group of jurors to which he 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.

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

Provisions of law relating to appeals against decisions of an inferior court 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.

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

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

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

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

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

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

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

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

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

If an action is brought which is not connected with criminal proceedings but concerns confiscation of printed matter or a private claim for damages, the provisions of Articles 2 and 10 to 13 apply concerning court proceedings in the case; if, however, the question of whether an offence has been committed has already been examined in a freedom of the press case concerning liability under penal law, the same question shall not be re-examined. In an application case, the exclusion of jurors, which otherwise falls to the parties in the case, is made by the court by lot.

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

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

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

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

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

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

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

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

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

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

**Art. 6.** In the case of any item of printed matter which is printed abroad and published in the Realm, but not intended primarily for dissemination within the Realm, and for which no certificate of no legal impediment to publication exists, the provisions of Chapter 1, Article 1, paragraphs three and four, concerning the communication and procurement of information and intelligence for publication apply, unless:

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

Paragraph one applies also in respect of an item of printed matter not published in Sweden, if the information was communicated or procured in Sweden, regardless of whether it is printed here or abroad. A person who contributes to material in a periodical by other means, as author or other originator, is equated with a person communicating information for publication.

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

## **Chapter 14. General provisions**

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

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

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

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

**Art. 4.** Repealed.

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

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

## ***Transitional provisions***

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

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

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

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