

The Radio and Television Act

(1996:844)

Including amendments up to and including SFS 2008:498

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Chapter 1. Scope of the Act

Section 1

This Act contains regulations regarding the broadcasting of sound radio programmes and television programmes that are directed to the general public and intended to be received using technical devices.

A broadcast is only considered to be directed to the general public if it is simultaneously accessible, without specific request, to anyone who wishes to receive it.

In Section 2 of the Act (2008:418) with temporary regulations on licences to broadcast local radio, it is stated that the Act shall be applied instead of

- Chapter 5 Sections 6 and 13 of the Radio and Television Act (1996:844) and
- Items 3 a and b in the transitional regulations for the Act (2001:272) on amendments to the Radio and Television Act (1996:844). Act (2008:419).

Section 2

This Act applies to broadcasts of television programmes, if the broadcast can be received in any State which is a signatory to the European Economic Area Treaty ("EEA State"), and the person or entity conducting broadcasting operations

1. is established in Sweden in accordance with the definition set out in Article 2.3 of Directive 97/36/EC concerning changes to the European Council Directive 89/552/EEC regarding the coordination of certain provisions laid down by statutes and other legislation in Member States regarding the execution of television broadcasting operations,
2. does not fulfil the criteria in 1 and is not established in another EEA State, but instead utilises a frequency which has been allocated in Sweden,
3. does not fulfil any of the criteria in 1 or 2 and does not utilise a frequency allocated by another EEA State, but instead utilises satellite capacity which belongs to Sweden,
4. does not fulfil any of the criteria in 1, 2 or 3 and does not utilise satellite capacity which belongs to another EEA State, but instead utilises a satellite uplink located in Sweden, or
5. does not fulfil any of the criteria in subsections 1, 2, 3, and 4 above and does not utilise a satellite uplink located in another EEA State, but is instead established in Sweden in accordance with Article 52 *et seq* of the Treaty establishing the European Economic Community.

A person or entity that, following establishment in Sweden, establishes operations in another EEA State with the aim of circumventing Swedish legislation when operations are primarily directed at Sweden is considered to be established in Sweden for the purposes of this Act.

Notwithstanding that stated in paragraph 1, relevant parts of Ch 1 Section 1, Ch 2 Sections 1, 2 and 4, Ch 3 Sections 1-5, Ch 8 Sections 1-3, 6-8 and 16 and the regulations in Chapters 9-13 will apply to any person or entity under another EEA state's jurisdiction in accordance with the directive 89/552/EC. (Act 2007:1289).

Section 3

Concerning transmissions by cable to 100 households or less, only Chapter 8, Section 1 and the Fundamental Law on Freedom of Expression, only Chapter 1 Sections 2 and 3, will apply. (Act 2005:364).

Section 4

This Act applies to broadcasts of sound radio programmes by satellite which can be received in Sweden if the person or entity conducting broadcasting operations has a registered address in Sweden or the transmission to the satellite is from a transmitter in Sweden. (Act 1998:1713).

Section 5

Provisions other than Ch 3, Section 3, first paragraph, subsection 1 regarding conditions for the prohibition of advertising in broadcasts and Chapter 7, Section 11, regarding the prohibition of advertising in broadcasts do not apply to the sound in a TV broadcast if the sound fully corresponds to a sound-radio broadcast conducted under a licence granted in accordance with this Act, or for which the broadcaster is registered. (Act 2007:1289).

Section 6

The Television and Radio Sector Act for Licence Fees (1992:72) contains provisions for fees for licences to broadcast television programmes and local radio. (Act 2005:536).

Chapter 2. Licences and registration

Section 1

A licence is required under this Act to broadcast sound radio or television programmes using radio waves at frequencies of less than 3 GHz.

A licence is not required for searchable teletext broadcasts from radio transmitters used for other transmissions licensed under this Act. Nor is a licence required for broadcasts specially adapted to persons with impaired sight or hearing which take place from such a transmitter for a maximum of four hours a day.

Provisions on licences to possess or use a radio transmitter are contained in the Electronic Communication Act (2003:389). (Act 2003:394).

Section 2

Licences to broadcast television programmes are issued by the Government if the broadcasting operations are financed through TV licences in accordance with the Act (1989:41) on financing of radio and television for public service, and by the Swedish Radio and Television Authority in other cases.

Licences to broadcast sound radio programmes to the whole of Sweden or abroad are issued by the Government. The Government also issues licences to broadcast local digital sound radio.

Licences to broadcast community radio in accordance with Chapter 4 of this Act and local radio in accordance with Chapter 5 are issued by the Swedish Radio and Television Authority.

In addition, the Swedish Radio and Television Authority may issue licences for a limited period of not more than two weeks for the broadcasting of television or sound radio programmes which are not community or local radio. The Authority may stipulate conditions in accordance with Chapter 3, Sections 7-9 for such a licence, and decide that the provisions in Chapters 6 and 7 shall not apply to broadcasts covered by a licence of this nature.

In the case of special cases the Government may issue licences for local sound radio broadcasts which do not fulfil the requirements for community or local radio. (Act 2007:1289).

Section 3

A person or entity that conducts broadcasting operations for which a licence is not required and a person or entity that conducts broadcasting operations on behalf of a third party by satellite or makes satellite capacity available (satellite contractor) must report for registration with the Swedish Radio and Television Authority.

The following must be stated in the application:

1. name, trade name or corresponding information,
2. representatives in the case of legal entities,
3. postal address and telephone number, and
4. information regarding the activities conducted.

Section 4

The Swedish Radio and Television Authority shall draw up a register of licence-holders as referred to in Section 2, or those who have registered in accordance with Section 3. This register may be maintained by ADP. It may only contain information stipulated in Section 3 second paragraph, Chapter 6 Section 9, and Chapter 9 Sections 4-7. (Act 2001:272).

Chapter 3. Broadcasting of TV programmes and sound radio programmes other than community radio and local radio

Section 1

The Government will decide what broadcasting frequencies may be allocated in different parts of the country for TV broadcasts that require a licence in accordance with this Act. (Act 2007:1289).

Section 2

A licence to broadcast TV programmes grants the right to simultaneously broadcast the number of programme services in every area during the time of day stated in the licence. (Act 2007:1289).

Section 3

A licence to broadcast TV programmes may only be granted to a programme company that is assessed to have the financial and technical resources to execute broadcasting activities during the duration of the licence period and that has demonstrated willingness to cooperate with other licence holders in technical issues. (Act 2007:1289).

Section 4

When granting a licence to broadcast TV programmes, particular care must be taken that broadcasting frequencies are able to be utilised

1. for different programme services so that broadcasts will appeal to different interests and tastes
2. for national as well as local and regional programme services, and
3. by a number of programme companies that remain independent of each other. (Act 2007:1289).

Section 5

A licence granted by the Swedish Radio and Television Authority may provide only the right to re-transmit programmes that are being broadcast at the same time or that had been broadcast shortly before by another party. In such a licence it may be stated that the provisions in Chapters 6 and 7 do not apply to broadcasts that take place under the licence. (Act 2007:1289).

Section 6

A licence granted by the Government to transmit sound radio programmes provides the right to simultaneously broadcast the number of programme services in each area during the time of day stated in the licence. (Act 2007:1289).

Section 7

A licence to broadcast TV programmes or sound radio programmes other than community radio and local radio may be granted under the condition that broadcasting rights are to be executed impartially and objectively and in consideration of a broad freedom of expression and freedom of information being applied to sound radio and television. (Act 2007:1289).

Section 8

A licence to broadcast TV programmes or sound radio programmes other than community radio and local radio may be granted under the condition of the obligation to

1. broadcast the programme throughout Sweden or to a certain part of the country,
2. broadcast for a certain minimum time,
3. simultaneously broadcast a certain minimum number of programmes in each area,
4. provide scope for broadcasts that are specially adapted to persons with impaired sight or hearing in accordance with Chapter 2, Section 1, second paragraph,
5. design broadcasts in a manner that makes them accessible to persons with functional impairments,
6. provide frequencies for broadcasts based on licences issued by the Government,
7. utilise a specific transmission technology and to cooperate with other licence-holders in technical matters with the aim of promoting accessibility and competition,
8. utilise certain radio transmitters,
9. take into consideration the special impact of sound radio and television broadcasting as regards programme content and design, and the time at which the programme is broadcast,
10. comply with the provisions of Chapter 6, Section 3, first paragraph also in the case of corrections of sound broadcasting,
11. broadcast objections,
12. respect individuals' right to privacy in programme operations,
13. broadcast a diversified range of programmes,
14. broadcast and produce programmes on a regional basis,
15. broadcast announcements which are of importance for the general public, without charge, if so requested by a public authority,

16. conduct broadcasts in a manner that ensures reception is not confined to a limited section of the general public in the transmission area, and
17. prepare a contingency plan for the operations during a high-level alert and in conjunction with exceptional circumstances in peacetime, and to submit the plan to the Government and to a public authority determined by the Government. (Act 2007:1289).

Section 9

A licence to broadcast TV programmes or sound radio programmes other than community radio and local radio may include a prohibition on the broadcasting of

1. commercial advertising and other advertising, and
2. other sponsored programmes in addition to those stated in Chapter 7 Section 8 second paragraph, Section 9, and Section 10, second paragraph.

A broadcasting licence may also be subject to conditions that prohibit discrimination against advertisers. (Act 2007:1289).

Section 10

Conditions for broadcasting licences may entail that the ownership structure and influence within an enterprise that receives a licence may only change to a limited extent. (Act 2007:1289).

Section 11

A licence issued by the Government to broadcast TV programmes will apply for a specific time as determined by the Government.

A licence issued by the Swedish Radio and Television Authority to broadcast TV programmes is valid for six years. If there are special reasons, the Swedish Radio and Television Authority may decide that a licence to broadcast TV programmes will be valid for a shorter time period.

The period of validity for licence conditions may be shorter than the time period of the licence itself. (Act 2007:1289).

Section 12

The Swedish Radio and Television Authority may decide that the regulations in Chapter 3 Sections 3 and 4 as well as Chapters 6 and 7 will not be applied to broadcasts that are made under a licence to broadcast TV programmes during a limited time period of at most two weeks. (Act 2007:1289).

Section 13

A licence granted by the Government to broadcast sound radio programmes will be valid for a certain time period as determined by the Government.

A licence that has been granted for a time period of at least four years will be extended by a further period of four years on the same conditions if the licence-holder so decides and the Government has not stated within two years of expiry of the licence period that the licence will not be extended, or if the Government elects that the conditions be changed. (Act 2007:1289).

Section 14

Before a decision is announced regarding a licence, the applicant is to be given an opportunity to consider and express an opinion on the conditions that the Government or the Swedish Radio and Television Authority intends to apply to the licence. Decisions to grant broadcasting licences may only contain programme-related conditions accepted by the applicant. (Act 2007: 1289).

Chapter 4. Community radio

Section 1

”Community radio” is defined as local sound radio broadcasts by associations.

Section 2

If an association entitled to receive a licence in accordance with Section 4 so requests and it is technically feasible, it shall be given the opportunity to broadcast community radio programmes in a municipality. If there are special reasons, more than one community radio programme may be broadcast simultaneously in the municipality.

The transmission area for community radio is to be restricted to not more than one municipality. Outside metropolitan areas, efforts should be made to ensure that transmissions can be received throughout the municipality. In exceptional cases, the Swedish Radio and Television Authority may approve transmission areas that are larger than a single municipality. (Act 1998:311).

Section 3

The Swedish Radio and Television Authority will decide who is entitled to broadcast community radio.

A licence to broadcast community radio applies for a specific period of time.

If the licence-holders cannot agree upon the allocation of broadcasting times, the Swedish Radio and Television Authority will decide on broadcasting times. This also applies if a licence-holder requests that the Authority should determine a broadcasting timetable in its entirety. The licence-holder deemed to have the greatest interest in broadcasting at a certain time will be given priority. The decision by the Swedish Radio and Television Authority regarding broadcasting times applies until a new decision is taken by the Authority, or a licence-holder or a community radio association informs the Authority in writing that the licence-holders have agreed on other broadcasting times. (Act 1998:311).

Section 4

A licence to broadcast community radio can only be granted to the following legal entities, namely

1. not-for-profit associations with ties to the transmission area,
2. parishes and religious bodies within the Church of Sweden,
3. compulsory membership associations for students at universities and university colleges,
4. associations of several licence-holders in a reception area for joint community radio purposes (community radio associations).

When making an assessment of whether a not-for-profit association has a tie with the transmission area, special consideration shall be given to where

- a. the association's studio and other operating premises are located,
- b. the person legally responsible for the broadcast and the association's board members are resident, and
- c. the general meeting of the association and board meetings are held. (Act 2004:1059).

Section 5

A licence to broadcast community radio may only be issued following notification by the association of the person appointed as responsible in accordance with the Fundamental Law on Freedom of Expression.

Section 6

A licence to broadcast community radio may not be issued to a person or entity that has a licence to broadcast local radio or digital sound radio.

The broadcasting licence ceases to apply if the licence-holder obtains a licence to broadcast local radio or digital sound radio. The licence to broadcast community radio ceases to be valid as from the date on which broadcasts are permitted under the licence to broadcast local radio or digital sound radio.

Section 7

The Swedish Radio and Television Authority may determine that a broadcasting time may not be utilised by a third party for a maximum period of three months if a holder of a licence to broadcast community radio to whom an order entailing a conditional fine has been issued under this Act forgoes the broadcasting time or surrenders its broadcasting licence.

A transmitter for community radio may not be used for other broadcasts requiring a licence under this Act.

Chapter 5. Local radio

Section 1

”Local radio” is defined as local sound radio broadcasts for which a licence is required other than broadcasts requiring a licence issued by the Government, or which may only take place for a limited period in accordance with Chapter 2 Section 2 fourth paragraph, or which are community radio. (Act 2001:272).

Section 2

The Swedish Radio and Television Authority determines the extent of transmission areas. In this connection, the Authority is to take into account

1. the technically feasible range of a transmitter in a suitable location,
2. the impact on the reception of broadcasts in other locations, and
3. natural spheres of local interest.

Transmission areas shall be planned to permit the issue of a large number of licences. More than one licence may be issued for the same transmission area. (Act 2001:272).

Section 3

When a frequency becomes available in a given area, the Swedish Radio and Television Authority shall announce this publicly. The announcement must state the extent of the transmission area, the final application date and the earliest date on which broadcasts may be made under the licence. (Act 2001:272).

Section 4

A licence to broadcast local radio is issued to a natural person or legal entity and is confined to a single transmission area. No person or entity may have more than one broadcasting licence in a transmission area, unless special reasons apply.

Central government, counties or municipalities may not receive licences to broadcast local radio, either directly or indirectly, via

1. an enterprise in which one or more of the above has a holding or holdings which jointly amount to at least 20% of all the shares or participations, or has a determining influence as a result of an agreement, or
2. an enterprise that is a subsidiary under Chapter 1 Section 4 of the Annual Accounts Act (1995:1554) of an enterprise referred to in subsection 1. (Act 2001:272).

Section 5

A licence to broadcast local radio constitutes an entitlement to conduct transmissions that can be received at satisfactory signal strength within the transmission area specified in the licence.

The broadcasting licence may be subject to conditions under Sections 10 and 11. (Act 2001:272).

Section 6

All licences are to be issued for a period of four years, with the exception of an initial period of three years starting 1 January 2002. Licences are valid until expiry of the licensing period for which the licence was issued. (Act 2001:272).

Section 7

If there are two or more applicants for a vacant frequency after the final application date, the Swedish Radio and Television Authority shall give the applicants an opportunity to coordinate their applications by a specific date. If there are still two or more applicants for a vacant transmission area after this date, the Authority shall decide on the allocation of the licence in accordance with Section 8. (Act 2001:272).

Section 8

If there are two or more applicants for a vacant frequency, the Swedish Radio and Television Authority shall endeavour to achieve an allocation of the frequency bandwidth that will ensure the content of the broadcasts is largely produced by the applicant and that programmes have local ties.

In addition, the Authority shall endeavour to prevent the establishment of a dominant position in the broadcast of news or the shaping of public opinion, and to ensure that opportunities of diversification are utilised. In this connection, it shall be considered whether the applicant:

1. publishes a daily newspaper or broadcasts radio or television in the transmission area,
2. solely exercises a decisive influence on an enterprise referred to in subsection 1 as a result of shareholdings, participations or agreements, or
3. is an enterprise in which a person or entity specified in subsection 1 or 2 solely has a decisive influence.

In the allocation process, the Swedish Radio and Television Authority shall also take into account the applicant's financial and technical prospects of conducting long-term operations with good capacity and quality.

Content produced by the applicant is defined as programmes produced solely for the applicant's own operations and which are subject to an editing process.

A daily newspaper is defined as a general newspaper of the daily press type, distributed to the public and normally issued at least once a week. (Act 2001:272).

Section 9

If there is only one applicant for a vacant frequency, the Swedish Radio and Television Authority shall notify the applicant that a licence will be issued if the fee stipulated in the Act concerning Licence Fees in the Television and Radio Sector (1992:72) is paid within two weeks of notification being sent.

If the applicant fulfils the requirements of the first paragraph, a licence is to be granted; otherwise the application will lapse. (Act 2001:272).

Section 10

A broadcasting licence may be subject to conditions regarding an obligation to

1. broadcast programmes in a certain part of the transmission area or to reach a certain section of the population in the area,
2. broadcast for a certain minimum time,
3. use a certain type of transmitting technology and cooperate in technical matters with other licence-holders, and
4. employ a certain technology for recordings as specified in Chapter 9 Section 8. (Act 2001:272).

Section 11

The broadcasting licence may also be subject to conditions regarding an obligation to

1. limited changes in the ownership structure and influence in an enterprise,
2. broadcast a certain quantity of own material, and
3. broadcast a certain number of programmes with local ties.

The first paragraph does not apply in cases covered by Section 9. (Act 2001:272).

Section 12

Prior to the announcement of a decision to grant a licence, the Swedish Radio and Television Authority shall give the applicant an opportunity to consider and express an opinion on the conditions which the Authority intends to stipulate for the licence. (Act 2001:272).

Section 13

If a licence-holder requests extension of the broadcasting permit within six months of expiry of the licence period, the licence shall be extended by a further licence period, unless

1. there are grounds for revoking the licence pursuant to Chapter 11,
2. the licence-holder has significantly contravened the conditions of the broadcasting licence pursuant to Section 10 or 11,
3. the licence-holder has significantly contravened the provision in Chapter 6 Section 7a regarding own materials, and there are no special reasons for extending the licence.

Neither shall a licence be extended if a new licence would not have been issued on the same conditions due to changes in technology or in the use of radio frequencies under international agreements to which Sweden is a signatory.

If the Swedish Radio and Television Authority does not intend to grant an extension, the Authority shall inform the licence-holder not later than four months before the expiry of the licence period that the licence will not be extended.

For the purposes of this provision, a person or entity whose transmission area has only been subject to minor changes after a change in allocation pursuant to Section 14 is also to be regarded as a licence-holder. (Act 2001:272).

Section 14

The Swedish Radio and Television Authority may decide to change the division of transmission areas at the end of a licence period. If a licence-holder affected opposes the change, the change may only be implemented if a new licence would not be issued on the same conditions due to changes in technology or in the use of radio frequencies under international agreements to which Sweden is a signatory.

A decision regarding changes to the division of transmission areas may not be taken later than six months prior to expiry of the licence period.

The Swedish Radio and Television Authority shall make a special decision not later than six months prior to the end of the current licence period regarding who is considered to be a licence-holder for each transmission area under the new classification. If no party can be regarded as a licence-holder, an announcement shall be made that the licence for the transmission area is vacant. This announcement may not be made until the decision has entered into force. (Act 2001:272).

Section 15

If the Swedish Radio and Television Authority has announced a decision in accordance with Section 14 third paragraph first sentence concerning who is to be considered a licence-holder, the Authority may permit this party to broadcast after the end of the licence period while awaiting the decision to enter into force. Such permission shall be granted for a specific transmission area for a specific period. (Act 2001:272).

Section 16

A licence may be transferred if this is approved by the Swedish Radio and Television Authority . This type of approval shall not be granted if

1. the acquirer would not be able to receive a licence to broadcast local radio under Section 4 second paragraph, or
2. the acquiree already has a licence to broadcast local radio in the same transmission area, directly or indirectly, via a company in which the acquiree has a holding that corresponds to at least 20% of all the shares or participations, or has sole determining influence as a result of an agreement.

Furthermore, a transfer will not be permitted if this results in a significant reduction in the diversity of media supplied in the transmission area.

Should there be special reasons the Swedish Radio and Television Authority may permit a transfer, even if the acquiree already has a licence in the transmission area.

Should the Swedish Radio and Television Authority not approve a transfer, it is null and void. (Act 2001:272).

Section 17

A party that acquires a licence takes over the transferor's rights and obligations under this Act regarding the period after approval is granted. (Act 2001:272).

If the previous licence-holder is subject to an order under Chapter 10 Section 9 subsections 1, 2, 9 and 10, the order will also apply to the new licence-holder. The Swedish Radio and Television Authority must notify the new licence-holder of this condition in connection with approval of the transfer. Without this notification the order will not apply to the new licence-holder. (Act 2001:272).

Section 18

If a licence-holder requests that his licence be revoked, the licence is considered as having ceased to be valid on the date a request of this nature was received by the Swedish Radio and Television Authority, or a later date stated by the licence-holder. (Act 2001:272).

Section 19

If a licence-holder is declared bankrupt or goes into liquidation, the licence is no longer valid. (Act 2001:272).

Section 20

If a licence-holder dies the licence will cease to be valid three months after the date of death. If the Swedish Radio and Television Authority receives an application for permission for transfer of the licence before the licence has ceased to be valid, the application shall be considered in accordance with Section 16. (Act 2001:272).

Chapter 6. Content of broadcasts, etc.

Section 1

A person or entity that broadcasts television or sound radio programmes under a licence issued by the Government shall ensure that the overall programme services reflect the fundamental concepts of a democratic society, the principle that all persons are of equal value and the freedom and dignity of the individual.

Section 2

Programmes containing portrayals of violence of a realistic nature or pornographic images which are broadcast on television must either be preceded by a verbal warning or contain a warning text continuously displayed on the screen throughout the broadcast. Such programmes may not be broadcast at times and in a manner that involves a considerable risk that children may see the programmes unless the broadcast is defensible on special grounds. (Act 1998:1713).

Section 3

Information in a television programme which is not advertising and which is transmitted by means other than cable shall be corrected when this is justified.

Information in a television programme which is not advertising and which is transmitted by cable should also be corrected when this is justified.

Section 4

Programmes that are not advertising may not promote commercial interests in an improper manner.

Section 5

Broadcasts which are subject to conditions of impartiality may not include information broadcast on behalf of a third party which is intended to gain support for political or religious views, or views relating to special interests in the labour market.

Such information is to be regarded as advertising, as stated in Chapter 7 Section 1.

Section 6

Only programmes that have been produced specifically for an association's own activities may be broadcast on community radio.

However, a licence-holder may broadcast programmes for a maximum of ten hours per month that are not produced solely for its own activities if the content of the broadcasts

- is of particular interest to the licence-holder’s members,
- promotes knowledge and culture, or
- involves recordings of local cultural events. (Act 1998:311).

Section 7

The range of programmes broadcast by a community radio association may only include

1. broadcasts from events of common interest to the licence-holder’s members,
2. a limited amount of information concerning municipal activities,
3. information regarding programmes and programme times, and other information regarding community radio activities in the district, and
4. test transmissions of programmes produced by legal entities entitled to receive a licence to broadcast community radio, for a maximum period of three months in each individual case.

Section 7a

Contents produced by the licence-holder are to be broadcast on local radio for at least three hours each day during the period 6.00 a.m. to 9.00 p.m. (Act 2001:272).

Section 7b

Warning messages of importance to the general public which are designed to protect people, property or the environment shall be broadcast at no charge on local radio, should this be requested by a public authority. (Act 2001:272).

Section 8

Unless there are special reasons to the contrary, a person or entity that broadcasts television programmes by satellite or under a licence issued by the Government shall ensure that:

1. more than half the annual broadcasting time consists of programmes of European origin, and
2. at least 10% of the annual broadcasting time or at least 10% of the programme budget consists of programmes of European origin made by independent producers; the proportion of programmes produced during the preceding five years should be as high as possible.

For the purposes of this Section, “broadcasting time” is defined as the time when programmes with a content other than news, sport, competitions, advertisements and programme services are broadcast, as referred to in Chapter 7 Section 5 fourth paragraph. Transmissions consisting purely of text are not included in broadcasting time.

Television broadcasts in accordance with the first paragraph and sound radio broadcasts which take place under a licence issued by the Government are to contain a considerable proportion of programmes in the Swedish language, programmes with Swedish artists, and works by Swedish authors unless there are special reasons to the contrary. (Act 2007:1439).

Section 9

A person or entity that broadcasts programmes in accordance with this Act shall use a designation for its broadcasts which has been approved by the Swedish Radio and Television Authority. The designation must be displayed at least once per broadcasting hour or, when this is not possible, between programmes. The designation shall be displayed on searchable teletext on a continuous basis.

Section 10

A person or entity that broadcasts television programmes and holds exclusive television broadcasting rights for a Swedish or foreign event which is of particular importance to the Swedish public may not, if the event is broadcast, utilise such rights in a manner that denies a significant proportion of the Swedish general public an opportunity to view the event on television in a direct broadcast free of charge, or with a slight delay if there are objective grounds for such a procedure. The events referred to are those that occur not more than once a year and are of interest to the broad general public in Sweden.

If the European Commission has stated in a notice in the Official Journal of the European Communities that an event is of particular importance to the public in another EEA state, a television broadcaster holding exclusive rights to broadcast the event to the state concerned may not, if the event is broadcast, utilise such rights in a manner that denies a significant proportion of the general public in the state concerned an opportunity to view the event free of charge on television in a manner specified in the notice.

If a party invites another party to broadcast the event on television in order to fulfil obligations under the first or second paragraphs, this shall be on reasonable terms and conditions.

Provisions regarding implementation of the first paragraph are issued by the Government. (Act 1999:270).

Chapter 7. Commercial advertising and other advertising

Section 1

A special indication that clearly distinguishes advertisements from other broadcasts must be broadcast before and after each advertising break. The indication on television must consist of both sound and image. The indication must be constantly displayed on searchable teletext and sales programmes but only in a visual format, as referred to in Section 5 fourth paragraph.

In the case of broadcasts for which the Government issues a licence, the Government may grant exemption from the obligation as in the first paragraph and from the requirement in Section 6. Exemptions may also be granted by the Swedish Radio and Television Authority in the case of television programmes broadcast by permission of the Swedish Radio and Television Authority.

”Advertising” is defined as commercial advertising and broadcasts on behalf of a third party which are not commercial advertising. (Act 2007:1289).

Section 2

In the case of advertisements which are not commercial advertising, it must be clear on whose behalf the broadcast is made. Provisions regarding the identification of advertising are covered by Section 9 of the Marketing Practices Act (2008:486). (Act 2008:498).

Section 3

Individuals who play a prominent role in programmes which primarily involve news or current affairs may not appear in advertising.

Section 4

Commercial advertising in a television broadcast may not be designed to attract the attention of children less than 12 years of age.

Individuals or characters who play a prominent role in programmes which are primarily aimed at children under 12 years of age may not appear in commercial advertising in a television broadcast.

Section 5

Advertisements may be broadcast for not more than twelve minutes per hour between each full hour. The total broadcasting time for advertisements during a 24-hour period may not exceed 15 per cent of broadcasting time.

Programme services intended exclusively for programmes in which viewers are invited to order goods or services (sales programmes) may be broadcast on television despite the stipulations in paragraph 1 above. Programme service refers to a collected range of programmes broadcast under the same designation. In addition to the provisions in Chapter 6 Section 9, the designation of the programme service must be displayed at the beginning and end of the broadcast.

Advertising in a sound radio broadcast may be broadcast for a maximum of 12 minutes per hour for each full hour. If the broadcast time is less than one hour between whole hours, advertisements may not be broadcast for more than 15 per cent of the broadcast time. (Act 2007:1287).

Section 6

The total time of a commercial break on television on any given occasion may not be less than one minute after deduction of the transmission time for the special indication.

Section 7

In television broadcasting, advertising is to be broadcast between programmes. However, providing the conditions stipulated in Section 7a are fulfilled, a programme may be interrupted by advertising if this occurs in a manner that does not violate the integrity and value of the programme or the rights of holders of broadcasting rights, giving due consideration to natural intermissions and the length and character of the programme.

In applying the first paragraph and Sections 7a and 7b, a programme that does not consist of more than a simple message concerning the time, weather, news, etc., except for an indication of the name or source, is not regarded as a separate programme. (Act 2002:116).

Section 7 a

In the case of sports programmes in which there are relatively long intermissions, or during programmes involving performances or events with intermissions for the audience, advertising may be broadcast during the intermissions.

In the case of programmes that consist of complete parts, advertising may be broadcast between parts.

Commercials may be broadcast during feature films and films made for television, with the exception of television serials, light entertainment programmes and documentary programmes, if the scheduled broadcasting time exceeds 45 minutes. Commercials may be broadcast once every complete period of 45 minutes. If the scheduled broadcasting time is at least 20 minutes longer than two or more complete periods of 45 minutes, a second commercial break is permitted.

In the case of programmes other than those referred to in the first and second paragraphs above, there must be an interval of at least 20 minutes between commercial breaks during the programme. (Act 2002:116).

Section 7 b

Notwithstanding the provisions of Section 7 and Section 7 a, religious services or programmes primarily aimed at children under 12 years of age may not be interrupted by advertising.

Programmes which primarily involve news or current affairs, documentary programmes and programmes of a philosophical or ideological nature may not be interrupted by advertising if the scheduled broadcasting time is less than 30 minutes. The provisions of the second and fourth paragraphs of Section 7 a apply if the scheduled broadcasting time is 30 minutes or more.

Commercials may not be broadcast immediately before or after a programme or part of a programme that is primarily aimed at children less than 12 years of age, unless this involves messages referred to in Section 8. (Act 2002:116).

Section 8

If the cost of a non-advertising programme has been paid for in whole or in part by a party other than the person or entity conducting broadcasting activities or producing audio-visual works (sponsored programmes), the identity of the sponsor(s) shall be stated in an appropriate manner at the beginning or the end of the programme, or both. A message of this nature shall be constantly displayed on searchable teletext. Such information need not be covered by an indication in the manner stated in Section 1 first paragraph, and shall not be included in the advertising time as stated in Section 5.

A programme that primarily involves news or current affairs may not be sponsored.

Section 9

The Alcohol Act (1994:1738) and the Tobacco Act (1993:581) contain provisions regarding the prohibition of commercial advertising for alcoholic beverages and tobacco products. A programme may not be sponsored by any person or entity whose primary activities involve the manufacture or sale of alcoholic beverages or tobacco products. (Act 1999:1009).

Section 10

Advertising of medical treatment only available on prescription may not be broadcast on television unless it involves messages as referred to in Chapter 8 and which are permitted in accordance with the second paragraph.

If a pharmaceutical company sponsors television programmes, the sponsorship may only promote the company's name or reputation and may not promote prescription medication or medical treatments ordered by a doctor.

Sales programmes for pharmaceutical products or for medical treatments may not be broadcast on television.

Provisions prohibiting certain forms of marketing of pharmaceutical products are to be found in the Medicinal Products Act (1992:859). The Medicinal Products Act states that the provisions are monitored by the Medical Products Agency. (Act 2006:255).

Section 11

A local cable transmission company may not transmit commercial advertising unless this involves messages referred to in Section 8.

Section 12

The provisions of this Chapter do not apply to commercial advertising by the broadcaster for the broadcaster's own programme services.

The provisions of Section 5 and Sections 7-7 b do not apply to searchable teletext. (Act 2002:116).

Chapter 8. Re-transmissions on cable networks

Section 1

Any person or entity owning or otherwise controlling an electronic communication network used to relay television broadcasts by cable to the general public shall, if a significant number of households that are connected to the network use it as their main means of receiving television broadcasts, ensure that residents in the households that are connected can receive television broadcasts conducted under licence from the Government and which can be received in the area without conditions of special payment. This obligation only applies to television broadcasts for which the licence is subject to impartiality and objectivity requirements and a condition concerning a diversified range of programmes that must include news coverage. This broadcasting obligation only applies if the conditions for re-transmission in accordance with the Copyright in the Literary and Artistic Works Act (1960:729) have been satisfied.

It shall be possible to receive television broadcasts according to the first paragraph above in a satisfactory manner and at no cost for the reception itself.

Pursuant to the first paragraph, the broadcasting obligation also applies to television broadcasts which a licence-holder conducts to fulfil the obligation to broadcast throughout the country or to parts of the country, but where the form of broadcast does not require a licence from the Government.

The broadcasting obligation in accordance with the first paragraph does not cover more than four programme services broadcast simultaneously by licence-holders whose operations are financed by television fees under the Television Fees Act (1989:41).

In a network where television broadcasts take place using both analogue and digital technology, re-transmission of at least two programme services referred to in the fourth paragraph subsection 1 shall take place using analogue technology if they are being transmitted or have been transmitted using analogue technology. In other cases re-transmission may be carried out using digital technology.

The broadcasting obligation according to the first paragraph does not apply to a network where a limited number of TV programmes are transmitted to subscribers via a general telecommunications network consisting of twin metal cables using digital technology.

The broadcasting obligation according to the first paragraph does not cover broadcasts conducted under re-transmission licences pursuant to Chapter 3 Section 5.(Act 2007:1333)

Section 2

Any person or entity owning or otherwise controlling a cable transmission network in which television programmes are relayed to the general public and reach more than 100 homes shall provide, without charge, specifically determined frequencies for television programme broadcasts by one or more companies appointed by the Swedish Radio and Television Authority (local cable transmission companies) for each municipality in which the person or entity has such a network.

Section 3

The provisions of Sections 1 and 2 do not apply if the re-transmissions from the network only refer to television programmes broadcast from terrestrial transmitters at frequencies of less than 3 GHz.

Section 4

A person or entity that re-transmits television programmes by means of radio waves at frequencies in excess of 3 GHz shall provide, without charge, specifically determined frequencies for television programme broadcasts by one or more local cable transmission companies for each municipality in which the person or entity conducts such operations.

Section 5

A local cable transmission company shall be a legal entity formed to conduct local cable transmissions and which may be assumed to permit the expression of different interests and opinions in its operations.

In conducting its transmission activities, a local cable transmission company must endeavour to achieve broad freedom of expression and information to the greatest possible extent.

The appointment of local cable transmission companies by the Swedish Radio and Television Authority shall be limited to three years.

Section 6

The Swedish Radio and Television Authority may grant exemption from the obligations stipulated in Sections 1, 2, and 4 if there are special reasons.

Chapter 9. Review and supervision

Section 1

After the transmission has taken place, the Office of the Chancellor of Justice monitors whether programmes that have been broadcast contain portrayals of violence or pornographic images in contravention of Chapter 6 Section 2. (Act 2001:1046).

Section 2

After the transmission has taken place, the Broadcasting Commission monitors whether programmes already broadcast are in compliance with this Act and the conditions that may apply to broadcasts. The Broadcasting Commission also monitors compliance with the provision concerning exclusive rights in Chapter 6 Section 10.

However, the provisions regarding commercial advertising in Chapter 7 Sections 3 and 4 and the first and third paragraphs of Section 10 are monitored by the Consumer Ombudsman.

Broadcasts which take place under licence for re-transmission in accordance with Chapter 3 Section 5 are not examined by the Broadcasting Commission.

If the Broadcasting Commission finds that a broadcast contains portrayals of violence or pornographic images in contravention of Chapter 6 Section 2, the Commission shall report the matter to the Office of the Chancellor of Justice. (Act 2001:1046).

Section 3

The Broadcasting Commission consists of a chairman and six other members. The Government determines the number of deputy members. At least one of the members or deputy members shall be vice-chairman. The chairman and vice-chairman shall be active or former permanent judges.

The Broadcasting Commission has a quorum if the chairman or a vice-chairman and three other members are present. However, issues which are obviously not of major importance or do not involve matters of principle may be determined by the chairman or a vice-chairman. The Government may prescribe that an official of the Commission is entitled to take decisions on the Commission's behalf, although this does not include decisions that involve failure to apply this Act or the conditions which apply for broadcasts.

In the event of a difference of opinion in the course of a Broadcasting Commission deliberation, the provisions of Chapter 16 of the Code of Judicial Procedure are to be applied. (Act 2001:1046).

Section 4

Any person or entity that transmits television programmes by satellite or under licence issued by the Government must submit a report annually to the Swedish Radio and Television Authority stating the proportion of its activities which comprise programmes referred to in Chapter 6 Section 8 first paragraph. (Act 2007:1289).

Section 5

At the request of the Swedish Radio and Television Authority, a person or entity that transmits television programmes via satellite or under a licence issued by the Government must provide information regarding the owner of the company and the manner in which operations are financed. (Act 2006:797).

Section 6

At the request of the Swedish Radio and Television Authority, a satellite contractor must provide information regarding its principal, the principal's address, the programme service's designation and the manner in which satellite transmissions are carried out. (Act 2001:1046).

Section 7

At the request of the Broadcasting Commission, the Swedish Radio and Television Authority and the Consumer Ombudsman, a person or entity that carries on operations that are subject to a licence according to the Act must provide the authorities with the information and documents necessary to verify that operations are being conducted in accordance with this Act as well as the conditions and provisions stated pursuant to this Act. (Act 2006:797).

Section 8

At the request of the Broadcasting Commission, the Swedish Radio and Television Authority or the Consumer Ombudsman, a person or entity that has recorded a programme in accordance with Chapter 5 Section 3 of the Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression (1991:1559), shall submit such a recording to the authority concerned free of charge. (Act 2001:1046).

Section 9

A person or entity that has received a licence to broadcast local radio is to submit an annual report to the Broadcasting Commission regarding fulfilment of the obligations referred to in Chapter 5 Section 11 first paragraph subsections 2 and 3. (Act 2006:797).

Section 10

A person or entity that has acquired exclusive broadcasting rights to an event referred to in Chapter 6 Section 10 must immediately notify this to the Broadcasting Commission. (Act 2006:797).

Section 11

New designation Section 9 by Act 2006:797.

Section 12

New designation Section 10 by Act 2006:797.

Chapter 10. Penalties and special fees, etc.

Section 1

A person or entity that intentionally or as a result of negligence broadcasts programmes without a licence when a licence is required under this Act will be fined or sentenced to imprisonment for a maximum term of six months.

Section 2

A person or entity that intentionally or as a result of negligence broadcasts from a radio station on the open sea or in the air space above it, or establishes or owns such a station, will be fined or sentenced to imprisonment for a maximum term of six months if

- the broadcast is designed to be received or can be received in a signatory country of the European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories, or
- the transmission has detrimental effects on the use of radio in any of these countries.

A person or entity that commits such an offence abroad will be tried, if he or she is in Sweden, in accordance with this Act in a Swedish court, even if Chapter 2 Section 2 or 3 of the Penal Code is not applicable and notwithstanding the first and second paragraphs of Chapter 2 Section 5 a of the Penal Code.

Legal proceedings may be taken only after an order by the Government or a public authority determined by the Government against

- Swedish citizens, for offences involving broadcasts which are not designed to be received or can be received in Sweden and which do not have a detrimental effect on the use of radio in Sweden, or
- citizens of other countries, in cases other than those stated in Chapter 2 Section 5 of the Penal Code.

Section 3

A person or entity that intentionally or as a result of negligence fails to fulfil the notification requirement under Chapter 2 Section 3 will be fined.

Section 4

Unless manifestly unreasonable, property which is used to commit an offence under Section 2 will be forfeited. The value of the property may be forfeited in lieu of the property. The proceeds from the offence are also forfeited, unless manifestly unreasonable.

An object that has been used in committing an offence under this Act, or the value of the object, may be forfeited if necessary to prevent an offence or if there are other special reasons.

Section 5

A person or entity that disregards the provisions and conditions stated in this Section may be ordered to pay a special fee. This applies to

1. conditions regarding advertising and sponsored programmes stipulated under the first paragraph of Chapter 3 Section 9,
2. the provision regarding the improper promotion of commercial interests in accordance with Chapter 6 Section 4,
3. the provisions regarding advertising in Chapter 7 Section 1 and Sections 5-7 b,
4. the provisions regarding advertising other than commercial advertising in Chapter 6 Section 5 and Chapter 7 Sections 2 and 3,
5. the provisions regarding sponsoring in Chapter 7 Sections 8 and 9 and the second paragraph of Section 10,
6. the provision regarding commercial advertising in Chapter 7 Section 11, or
7. the provision regarding exclusive rights in Chapter 6 Section 10.

When considering the question of the imposition of a fee, the court shall particularly take into account the nature, duration and scope of the offence.

The fee accrues to the State. (Act 2007:1289).

Section 6

The special fee will be not less than five thousand kronor and not more than five million kronor. However, the fee should not exceed 10% of the annual turnover of the broadcaster during the preceding financial year.

In determining the amount of the fee, special consideration shall be given to the circumstances resulting in consideration of the imposition of a fee and the estimated revenues of the broadcaster as a result of the offence.

Section 6 a

The special fee shall be paid to the Swedish Radio and Television Authority within thirty days of the judgement gaining legal force. (Act 2002:1096).

Section 6 b

Failing payment of the special fee within the time stipulated in Section 6 a, the Swedish Radio and Television Authority shall refer the unpaid charge for collection. Collection shall proceed in accordance with the provisions of the Collection (State Receivables etc.) Act (1993:891). (Act 2002:1096).

Section 7

In application of Sections 5, 23, and 26 of the Marketing Practices Act (2008:486), an act that contravenes Chapter 7 Sections 3 and 4 and Section 10 first and third paragraphs is considered as unfair marketing to consumers. Such an act may result in the imposition of a fee for disruptive marketing practices under the provisions of Sections 29-36 of the Marketing Practices Act. (Act 2008:498).

Section 8

If the Broadcasting Commission has found that a person or entity has failed to observe conditions decided upon under Chapter 3 Section 7, Section 8 or the second paragraph of Section 9 or the provision regarding correction in Chapter 6 Section 3 first paragraph, the Commission may order the broadcaster to publicise the Commission's decision in an appropriate manner.

This decision, which may involve a conditional fine, may not prescribe that publication must take place in the broadcaster's programmes. (Act 2007:1289).

Section 9

A person or entity that contravenes the provisions of this paragraph may be ordered to comply with the provisions. An order may be issued subject to a conditional fine. This applies to provisions regarding:

1. the content of community radio and local radio broadcasts and the obligation in local radio to broadcast own material and programmes with local ties (Chapter 5 Section 11 paragraphs 2 and 3, Chapter 6 Sections 6, 7 and 7a),
2. designations (Chapter 6 Section 9),
3. transmission obligations or the obligation to provide channels for local cable transmission companies (Chapter 8 Sections 1, 2 and 4),
4. licence obligations as in Chapter 3 Section 8 paragraphs 1, 3, 6-8 and 16,
5. the obligation to submit certain information to the Swedish Radio and Television Authority (Chapter 9, Sections 4-6),
6. the obligation to submit recordings (Chapter 9, Section 8),
7. warnings (Chapter 6, Section 2),
8. the obligation to submit reports annually to the Broadcasting Commission (Chapter 9, Section 9), or
9. the obligation to submit information and documents as in Chapter 9 Section 7.

The Broadcasting Commission may issue orders in accordance with the first paragraph, subsections 1, 2 and 6-9. Orders in accordance with the first paragraph, subsections 3-6 and 9 may be issued by the Swedish Radio and Television Authority. Orders in accordance with the first paragraph, subsections 6 and 9 may also be issued by the Consumer Ombudsman. (Act 2007:1289).

Section 10

In an order, the Swedish Radio and Television Authority may prohibit contravention by the licence-holder of decisions regarding broadcasting times on community radio announced by the Authority, or forbid the licence-holder to allow another party to utilise the licence-holder's broadcasting rights. The order may be issued subject to a conditional fine. (Act 1998:311).

Section 11

If a person or entity repeatedly broadcasts portrayals of violence or pornographic images on television at times and in a manner referred to in Chapter 6 Section 2, the Office of the Chancellor of Justice may order the party concerned not to broadcast such programmes again at times and in a manner that constitutes a significant risk that children may see the programmes. The order may be issued subject to a conditional fine.

Section 12

If a person or entity that transmits by satellite is not established in Sweden in accordance with Chapter 1 Section 2 first paragraph subsections 1 or 5, the Broadcasting Commission may order the satellite contractor to comply with the provisions and conditions stated in Section 5. The order may be issued subject to a conditional fine.

If a person or entity that transmits by satellite is not established in Sweden in accordance with Chapter 1 Section 2 first paragraph subsection 1 or 5, orders under Sections 9 or 11 may be directed to the satellite contractor.

If the satellite contractor shows that the person or entity transmitting by satellite has obtained access to the means of transmission as the result of a concession by one of the satellite contractor's principals without the satellite contractor's approval, orders in accordance with the first or second paragraph may be directed at the principal instead. (Act 1998:1713).

Section 13

The Swedish Radio and Television Authority may charge a fee to a party that applies to the Authority for a licence to broadcast television programmes.

The fee shall be equal to the costs incurred by the Swedish Radio and Television Authority for administrating the licencing procedure as in the first paragraph. Act (2007:1289).

Chapter 11. Revocation of licences etc

Section 1

A licence to broadcast sound radio or television programmes shall be revoked at the licence holder's request. A licence may also be revoked under provisions stated in Sections 2-5 and 7, or changed in accordance with that stated in Sections 2 and 7. (Act 2007:1289).

Section 2

A licence to broadcast television programmes or a licence issued by the Government to broadcast sound radio programmes may be revoked if:

1. the licence-holder has significantly contravened the provisions in Chapter 6 Sections 1-5, or Chapter 7 Sections 1-10, or
2. a condition attached to the licence under Chapter 3 Sections 7-10 has been ignored to a significant extent.

A licence to broadcast television programmes or a licence issued by the Government to broadcast sound radio programmes may be changed to refer to other broadcasting frequencies if

1. changes in radio technology or changes in the use of radio due to international agreements to which Sweden is a signatory or regulations adopted with the support of the treaty on the establishment of the European Community result in the inability to issue a new licence under the same conditions, or
2. it is necessary to provide frequencies for more broadcasts. (Act 2007:1289).

Section 3

A licence to broadcast community radio may be revoked if the licence-holder

1. no longer fulfils the requirements of Chapter 4 Section 4, or
2. has not utilised the right to broadcast community radio for three consecutive months.

A licence to broadcast community radio may also be revoked if a court has ruled that a programme constituted an offence against freedom of expression entailing serious abuse of freedom of expression. (Act 1998:311).

Section 4

A decision to revoke a licence to broadcast community radio may include a ruling that the licence-holder may not be issued a new licence for a maximum period of one year.

In cases referred to in Section 3 second paragraph, the court may decide that the licence-holder may not be issued a new licence within a maximum period of one year or, if there are exceptional grounds, not more than five years. This also applies if, at the time the offence against freedom

of expression was committed, the licence-holder did not have a licence to broadcast community radio at the time of the judgement.

The court may order that the decision is valid until the judgement gains legal force.

Section 5

A licence to broadcast local radio may be revoked if:

1. the licence-holder has not commenced broadcasting operations within six months of the initial date of the licence,
2. the licence-holder has not utilised the right to broadcast or has only broadcast to an insignificant extent for four consecutive weeks,
3. the licence-holder has significantly contravened one of the provisions in Chapter 6 Section 4, and Chapter 7 Sections 1-3, 5, 8 and 9, or
4. a court has ruled that a programme constitutes an offence against freedom of expression entailing serious abuse of freedom of expression.

If a natural person or a legal entity directly or indirectly holds more than one licence in a transmission area without the permission of the Swedish Radio and Television Authority through a company in which the acquirer has a holding which corresponds to at least 20% of all the shares or participations, or has sole determining influence as a result of an agreement, the licence or licences granted after the first licence was granted may be revoked.

If the Swedish Radio and Television Authority has approved a transfer despite the licence-holder directly or indirectly already having an existing licence for the same transmission area through a company in which the licence-holder has a holding which corresponds to at least 20% of all the shares or participations, or has sole determining influence as a result of an agreement, the licence may only be revoked if the transfer was based on incorrect or incomplete information from the licence-holder. In this case, revocation is limited to the licence or licences transferred.

If the state, a county council or municipalities have a licence to broadcast local radio in the manner stated in Chapter 5 Section 4 second paragraph, the Authority will revoke such a licence. (Act 2001:272).

Section 6

The appointment of a local cable transmission company may be revoked if there have been no transmission operations, or if such operations have only been carried out to an insignificant extent for at least three consecutive months.

Section 7

A decision on revocation of a licence pursuant to Sections 2-5 may only be issued if, in giving due consideration to the reasons for the measure, it does not appear to be overly severe.

A decision on changes to a licence pursuant to Section 2 second paragraph may only be issued if the licence-holder's rights in accordance with Chapter 3 Section 2 can be safeguarded. (Act 2007:1289).

Chapter 12. Procedures for special fees, conditional fines and revocation etc.

Section 1

Upon application by the Office of the Chancellor of Justice, matters concerning the revocation of a licence as a result of contravention of conditions issued under Chapter 3 Section 7 or Chapter 3 Section 8 subsections 9-12, and contravention of Chapter 6 Sections 1-3, are to be adjudicated by a court of general jurisdiction.

In other cases, matters concerning the revocation of licences are to be considered by the Swedish Radio and Television Authority.

Cases concerning changes to licences to broadcast television programmes or licences granted by the Government to broadcast sound radio programmes will be adjudicated by the body issuing the licence. (Act 2007:1289).

Section 2

If a licence has been issued by the Government, revocation may only be considered following an application by the Government unless the licence-holder himself has requested that the licence be revoked.

If the licence was issued by the Swedish Radio and Television Authority, the question of revocation may be taken up

1. on request by the licence-holder
2. on the initiative of the body empowered to try the issue, or
3. after a report by the Broadcasting Commission due to contravention of provisions in this Act, or due to conditions for the licence that shall be examined by the Broadcasting Commission pursuant to Chapter 9 Section 2.

A question of changes to a licence may be taken up on the initiative of the body empowered to try the issue as well as on request by the licence-holder.

Before the Swedish Radio and Television Authority issues a decision on a case of revocation due to contravention of the provisions in this Act or of conditions for a licence which will be considered by the Broadcasting Commission in accordance with Chapter 9 Section 2, an expression of opinion by the Commission must be obtained. The licence may only be revoked if the Commission finds that the contravention is significant. (Act 2007:1289).

Section 3

The provisions applicable to freedom of expression apply to cases covered by the first paragraph of Section 1. The relevant sections of these provisions concerning the defendant are to be applied to the person or entity to which the revocation is directed. The jury's deliberations are to relate to the question of whether revocation is to be implemented.

The court may also order that the judgement be valid before it gains legal force.

Section 4

Issues concerning the imposition of special fees are to be adjudicated by the Stockholm County Administrative Court following an application by the Broadcasting Commission.

A special fee may not be imposed if the person or entity to which the claim is directed was not served with the writ within five years after the contravention ceased. A decision regarding special fines lapses if the decision is not implemented within five years of the date on which the judgement gained legal force.

Section 5

Issues concerning the enforcement of conditional fines ordered by the Office of the Chancellor of Justice in accordance with Chapter 10 Section 11 are to be adjudicated by a court of general jurisdiction following an application by the Office of the Chancellor of Justice. The provisions applicable to freedom of expression apply to legal proceedings in such cases. The relevant sections of these provisions concerning the defendant are to be applied to the person or entity to which the revocation is directed. The jury's deliberations shall relate to the question of whether the conditional fine shall be enforced.

In other cases, the question of the enforcement of a conditional fine is to be adjudicated in accordance with general provisions regarding conditional fines.

Chapter 13. Appeals

Section 1

An appeal against a decision by the Swedish Radio and Television Authority under this Act regarding the issue of a licence to broadcast community radio, the allocation of broadcasting times on community radio and the revocation of a licence may be made to a public administrative court.

The ruling shall apply immediately, notwithstanding any appeals made. (Act 2007:1289).

Section 1 a

An appeal against a decision by the Swedish Radio and Television Authority regarding local radio may be made to a public administrative court if the decision involves

1. rejection of an application for a licence,
2. denial of approval for transfer of a licence,
3. refusal to extend a licence,
4. revocation of a licence which has been granted, and
5. a person or entity to be regarded as a licence-holder in accordance with Chapter 5 Section 14 third paragraph.

A case regarding an appeal against a decision under the first paragraph subsections 1 and 4 shall be processed as soon as possible.

A decision under the first paragraph subsections 2-4 shall apply immediately unless ordered otherwise. (Act 2001:272).

Section 2

An appeal against the following decisions by the Swedish Radio and Television Authority may also be made to a public administrative court, namely decisions regarding

1. designations in accordance with Chapter 6 Section 9,
2. the appointment of a local cable transmission company in accordance with Chapter 8 Section 2,
3. the revocation of such an appointment in accordance with Chapter 11 Section 6, and
4. a decision in accordance with Chapter 8 Section 6 regarding exemption from broadcasting obligations and liability to provide channels for local cable transmission companies.

A decision on the revocation of an appointment referred to in subsection 2 shall apply immediately, notwithstanding any appeals made.

Section 3

An appeal against a decision by the Broadcasting Commission or the Swedish Radio and Television Authority regarding orders issued subject to conditional fines in accordance with Chapter 10 Section 8 Section 9 first paragraph subsections 1-4 and 7-9 and Section 10 may be made to a public administrative court.

Orders under Chapter 10 Section 8, Section 9 first paragraph subsections 1, 2, 4, 8 and 9 and 10 and Section 10 shall apply immediately unless ordered otherwise. (Act 2007:1289).

Section 4

Leave to appeal is required for appeals to the Administrative Court of Appeal on rulings pronounced by a county administrative court in accordance with Sections 1-3.

Section 5

No appeal may be lodged against decisions by the Broadcasting Commission and the Swedish Radio and Television Authority other than those covered by Sections 1-3.

Transitional provisions

1996:844

1. This Act enters into force on 1 December 1996.
2. This Act repeals:
 - the Act Prohibiting Broadcasting on the High Seas in certain cases (1966:78),
 - the Radio Act (1966:755),
 - the Radio Periodicals Act (1981:508),
 - the Community Radio Act (1982:459),
 - the Re-transmission of Finnish Television Programmes Act (1986:3);
 - the Cable Transmissions (to the General Public) Act (1991:2027);
 - the Act on Satellite Transmissions of Television Programmes to the General Public (1992:1356).
3. The provisions of Chapter 13 do not apply in cases where the first decision on the matter was taken prior to 1 December 1996. In other cases the repealed Acts apply if the transmission took place prior to this Act gaining legal force.

1997:335

This Act enters into force on 1 July 1997. Previous provisions regarding transmissions which took place before its gaining legal force continue to apply.

1998:311

This Act enters into force on 1 July 1998.

Previous provisions regarding broadcasting times decided by the Swedish Radio and Television Authority prior to 1 July 1998 continue to apply. The provision in Chapter 11 Section 3 first paragraph subsection 3 regarding fees for broadcasts which took place prior to 1 July 1998 continues to apply.

1998:1713

1. This Act enters into force on 1 February 1999.
2. The provision in Chapter 6 Section 10 is not applied to rights acquired prior to 30 July 1997. Agreements entered into prior to 30 July 1997 and subsequently renewed are to be regarded as new agreements subject to the provision in Chapter 6 Section 10.
3. Broadcasts which are to be re-transmitted in cable networks on 1 January 1998 under Chapter 8 Section 1 first paragraph in its previous wording are to be re-transmitted in accordance with the new provisions, providing the conditions stated in Chapter 8 Section 1 first paragraph in its new wording are fulfilled.

2001:272

1. This Act enters into force on 1 July 2001.
2. This Act repeals the Local Radio Act (1993:120) and the Act concerning Temporary Provisions regarding Licences to Broadcast Local Radio (1995:1292).
3. As regards local radio broadcasts for which licences were issued prior to 1 July 2001, the new provisions are applied with the following exceptions:
 - a. The provisions concerning licences in Section 8 first paragraph and the first sentence of the second paragraph of the Local Radio Act shall apply until the end of 2008. However, a licence shall not be extended if there are grounds for revocation of the licence.
 - b. The provisions concerning the content of broadcasts in Section 22 first paragraph of the Local Radio Act and, as regards offences in contravention of this Section, Section 30 of the Local Radio Act shall apply until the end of 2008.
 - c. A licence to broadcast local radio may not be revoked under Section 11, Section 5 first paragraph subsections 3 or 4. As regards the acquisition of a licence prior to 1 July 2001, the first sentence of the second paragraph of Section 28 of the Local Radio Act applies instead of Chapter 11 Section 5 second paragraph.
 - d. The provisions concerning sanctions in Sections 31a-31e of the Local Radio Act apply to local radio broadcasts to which the Act is, or was, applicable.
 - e. The provisions concerning appeals etc. in Sections 38 and 39 of the Local Radio Act apply to cases instituted with the Broadcasting Commission or the Swedish Radio and Television Authority prior to 1 July 2001.
4. Orders issued under Sections 29-31 of the Local Radio Act apply as if they were issued in accordance with the corresponding new provisions.

2002:116

This Act enters into force on 1 April 2002 and applies to broadcasts subsequent to this date.

2002:1096

This Act enters into force on 1 February 2003. It shall also apply to judicial decisions concerning special fees that have been imposed or will be imposed under the Local Radio Act (1993:120). Judicial decisions concerning special fees which gained legal force prior to 1 February 2003 shall, for the purposes of Chapter 10 Section 6a, be deemed to have gained legal force on the day on which this Act enters into force.

2004:1059

1. This Act enters into force on 1 January 2005.
2. In the case of licences granted prior to the date on which the Act entered into force, the older wording of the provision is applicable.

2005:364

1. This Act enters into force on 1 July 2005.
2. Older provisions still apply to electronic communication networks in use at the time the Act enters into force to the extent they receive television transmissions conducted using analogue technology.
3. The programme services which, when the Act enters into force, are transmitted using analogue technology and which according to older provisions shall be re-transmitted according to the new provisions as long as the terms and conditions stated in Chapter 8 Section 1 first paragraph apply. The broadcasting obligation for the programme service referred to in Chapter 8 Section 1 fourth paragraph subsection 2 shall, however, cease to apply on 1 February 2008.

2006:797

This Act enters into force on 1 January 2007. It shall, however, not be applied to programme transmissions which take place before the Act enters into force.

2007:1289

1. This Act enters into force on 1 February 2008.
2. Previous provisions continue to apply for licences to broadcast television programmes and for licences granted by the Government to broadcast sound radio programmes if the licence was granted before the Act gained legal force.

