

The Swedish Radio and Television Act (SFS 2010:696)

This version contains amendments up to and including SFS 2020:875

Swedish Code of Statutes No. 2010:696

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General provisions

Chapter 1 Contents and scope of the Act

Contents of the Act

Section 1 This Act contains provisions regarding television broadcasts, video-on-demand, searchable teletext, video-sharing platforms, radio broadcasts and radio-on-demand as follows.

General provisions

- Contents and scope of the Act (Chapter 1)
- Information and registration (Chapter 2)
- Definitions (Chapter 3)

Television broadcasts, video-on-demand, searchable teletext and video-sharing platforms

- Licensing requirements (Chapter 4)
- Content of television broadcasts, video-on-demand and searchable teletext (Chapter 5)
- Product placement (Chapter 6)
- Sponsorship (Chapter 7)
- Commercial advertising and other advertisements etc. (Chapter 8)
- Retransmissions in cable networks (Chapter 9)
- Video-sharing platforms (Chapter 9a)

Radio broadcasts and radio-on-demand

- Licensing requirements (Chapter 10)
- Licences to broadcast radio other than community radio and commercial radio (Chapter 11)
- Licences to broadcast community radio (Chapter 12)
- Licences to broadcast commercial radio (Chapter 13)
- Content of radio broadcasts and radio-on-demand (Chapter 14)
- Commercial advertising, other advertisements and sponsorship (Chapter 15)

Common provisions

- Review and supervision (Chapter 16)
- Penalties, special fees and conditional fines (Chapter 17)
- Revocation of licences (Chapter 18)
- Procedure for cases regarding revocation, special fees and conditional fines etc. (Chapter 19)
- Appeals (Chapter 20) Act (2020:875).

The transposition of the AVMS Directive

Section 2 This Act transposes, in part, Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Service Directive), hereafter referred to as the AVMS Directive. Act (2015:662).

Television broadcasts and video-on-demand

Section 3 The Act applies to television broadcasts and video-on-demand that can be received in any state which is party to the Agreement on the European Economic Area (EEA State) if the media service provider

1. is established in Sweden pursuant to Article 2.3 of the AVMS Directive, as amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending the AVMS Directive in view of changing market realities,
2. neither meets the criterion under 1 nor is established in any other EEA State but uses a satellite uplink located in Sweden,
3. does not meet either of the criteria under 1 and 2 but uses satellite capacity belonging to Sweden, or
4. does not meet any of the criteria under 1, 2 and 3 but is established in Sweden pursuant to Articles 49–54 of the Treaty on the Functioning of the European Union.

In addition to the provisions of the first paragraph, Chapter 2 Section 3, Chapter 4 Sections 1–7, Section 9 points 1–3, 6–9 and 16 and Sections 11–17, Chapter 5 Section 13 and Chapters 16–20 also apply to those within the jurisdiction of another EEA State pursuant to Article 2 of the AVMS Directive, as amended by Directive (EU) 2018/1808. Act (2020:875).

Video-sharing platforms

Section 3 a The Act applies to video-sharing platforms if the provider of the platform is established in Sweden pursuant to Article 28a.1–4 of the AVMS Directive, as amended by Directive (EU) 2018/1808. Act (2020:875).

Section 4 With regard to broadcasts through cable reaching a 100 households or fewer, only Chapter 9 Sections 1–4 apply and in the Fundamental Law on Freedom of Expression only Chapter 1 Sections 10–13. Act (2018:1921).

Radio broadcasts by satellite

Section 5 The Act applies to radio broadcasts by satellite that can be received in Sweden, if the party conducting the broadcasting operation is domiciled in Sweden or the signal is being transmitted to the satellite from a transmitter in this country. Act (2012:702).

Exemptions for certain audio in television broadcasts

Section 6 Provisions other than Chapter 4 Section 10 point 1 on conditions prohibiting the broadcasting of commercial advertising and Chapter 8 Section 15 prohibiting the broadcasting of commercial advertising do not apply to audio in a television broadcast, if the audio is identical to a radio broadcast transmitted under a licence granted pursuant to this Act, or for which the broadcaster is registered.

Chapter 2 Information and registration

Information regarding television broadcasters and providers of video-on-demand

Section 1 Television broadcasters and providers of video-on-demand shall ensure that the recipients of their services always have easy access to

1. the name of the media service provider,
2. the geographical address at which the media service provider is established,
3. information about the media service provider, including email address and website, and
4. information about the competent regulatory authority.

Section 8 of the Swedish Act on Electronic Commerce and other Information Society Services (2002:562) also applies to providers of video-on-demand.

Registration

Section 2 Notification for registration with the Swedish Press and Broadcasting Authority is compulsory for any party that

1. conducts broadcasting operations that do not require a licence pursuant to this Act,
2. provides video-on-demand,
3. provides radio-on-demand financed by the public service fee pursuant to the Swedish Act on the Financing of Public Service Radio and Television (2018:1893),
4. provides a video-sharing platform, or
5. conducts broadcasting operations by satellite on behalf of another party or provides satellite capacity (satellite contractor).

The notification shall state

1. name, company name or equivalent,
2. the representative of a legal person,
3. postal address, telephone number, email address and website, and
4. information regarding the operation being conducted.

Anyone subject to compulsory registration according to paragraph one and who is a television broadcaster or provider of video-on-demand or a video-sharing platform shall, in the notification, also state the circumstances entailing that the operation is covered by the Act pursuant to Chapter 1 Section 3 first paragraph points 1–4 or Section 3 a.

Act (2020:875).

Register

Section 3 The Swedish Press and Broadcasting Authority shall establish a register of those who

1. have registered pursuant to Section 2 and conduct operations that fall within the scope of this Act, or
2. hold a licence referred to in Chapter 4 Section 3, Chapter 11 Section 1, Chapter 12 Section 1 or Chapter 13 Section 1.

The register may be maintained with the aid of automatic data processing. It may only contain such data referred to in Section 2 second and third paragraphs, Chapter 5 Section 11, Chapter 14 Section 7 and Chapter 16 Sections 5–9. Act (2020:875).

Notifying changes to information

Section 4 Anyone subject to compulsory registration pursuant to Section 2 first paragraph shall immediately notify the Swedish Press and Broadcasting Authority of any changes to the conditions previously notified pursuant to Section 2 second and third paragraphs. Act (2020:875).

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Chapter 3 Definitions

Section 1 For the purposes of this Act

1. *advertisements* refers to commercial advertising and other messages that without being commercial advertising are broadcasted on behalf of another party with the intention of promoting a thing or an idea;
2. *split-screen advertising* refers to an advertisement that appears on screen simultaneously with another broadcast;
3. *user-generated video* refers to a set of moving images with or without sound constituting an individual item created by a user and uploaded to a video-sharing platform by that user or any other user;
4. *audiovisual commercial communication* refers to product placement, sponsorship, commercial advertising, teleshopping or similar accompanying or included in a user-generated video or a television programme;
5. *radio-on-demand* refers to a service through which a media service provider, in order to inform, entertain or educate, provides radio programmes to the general public by means of electronic communications networks
 - a) at the request of the user,
 - b) at the moment chosen by the user, and
 - c) from a catalogue of programmes selected by the provider;
6. *video-on-demand* refers to a service through which a media service provider, in order to inform, entertain or educate, provides television programmes to the general public by means of electronic communications networks
 - a) at the request of the user,
 - b) at the moment chosen by the user, and
 - c) from a catalogue of programmes selected by the provider;
7. *teleshopping programmes* refers to programmes where recipients of the programme are offered to order goods and services;
8. *commercial radio* refers to radio broadcasts for which a licence is required that
 - a) do not require a licence from the Government,
 - b) are not limited to a certain period of time pursuant to Chapter 11 Section 1 second paragraph, or
 - c) are not community radio;
9. *media service provider* refers to any party who
 - a) has the editorial responsibility for the choice of content in a radio or television broadcast, radio-on-demand, video-on-demand or searchable teletext, and
 - b) determines the manner in which such content is organised;
10. *video-sharing platform provider* refers to the provider of a video-sharing platform;
11. *radio broadcast* refers to a broadcast of a radio programme by means of electronic communications networks that
 - a) is provided by a media service provider,
 - b) is directed to the general public, and
 - c) is intended for reception using technical aids;
12. *community radio* refers to local radio broadcasts for associations and registered religious communities;
13. *community radio association* refers to an association of several licence holders in a broadcasting area for shared community radio purposes;

14. *product placement* refers to the inclusion in a programme or in a user-generated video of a product, service or trademark for marketing purposes and in return for payment or similar consideration to the provider of the media service or video-sharing platform, or to the creator or uploader of a user-generated video on a video-sharing platform, unless the product or service in question is of negligible value and has been provided free of charge;
15. *broadcaster* refers to a media service provider that broadcasts radio programmes, television programmes or searchable teletext;
16. *programme service* refers to a collection of radio or television programmes or searchable teletext broadcasted under a common designation;
17. *commercial advertising* refers to any form of message
 - a) broadcasted in return for either payment or similar consideration or as self-promotion, and
 - b) that is intended to commercially market goods, services, property, job opportunities or other utilities;
18. *sponsorship* refers to contributions made by anyone who is not engaged in providing or producing radio, radio-on-demand, television broadcasts, video-on-demand, searchable teletext, video-sharing platforms or user generated videos to the financing of such services, programmes or videos, in order to promote the sponsor's name, trademark, image, activities, products or interests;
19. *broadcast directed to the general public* refers to a broadcast made available simultaneously and without specific request to anyone wishing to access it;
20. *searchable teletext* refers to broadcasts by means of electronic communications networks that mainly consist of text, graphics or still images, with or without sound, that
 - a) are provided by a media service provider,
 - b) are directed to the general public,
 - c) are intended for reception using technical aids, and
 - d) allows the user to choose which part of the content he or she wishes to consume at the time of his or her choosing;
21. *television programme* refers to a programme mainly consisting of moving images with or without sound which is included in a television broadcast or video-on-demand;
22. *television broadcast* refers to a broadcast of or the broadcasting of television programmes by means of electronic communications networks, where the broadcast is
 - a) provided by a media service provider,
 - b) directed to the general public, and
 - c) intended for reception using technical aids;
23. *video-sharing platform* refers to a service where the principal purpose of the service or an essential functionality of the service is devoted to providing, by means of electronic communications networks in order to inform, entertain or educate, the general public with user-generated videos or television programmes, which the service provider organises but does not have editorial responsibility for;
24. *virtual advertising* refers to the broadcast of messages which by electronical means are inserted into the television picture on fixed objects normally used for advertisements, or on the ground where it is possible to place advertisements physically. *Act (2020:875)*.

Television broadcasts, video-on-demand, searchable teletext and video-sharing platforms

Chapter 4 Licensing requirements

Broadcast frequencies

Section 1 The Government decides the broadcast frequencies which may be allocated in different parts of the country for such television broadcasts and searchable teletext that require licences pursuant to this Act.

When a licence is required

Section 2 The broadcast of television and searchable teletext using radio waves requires a licence pursuant to this Act if the broadcast uses the frequencies 87.5–108 megahertz, 174–240 megahertz or 470–790 megahertz.

Provisions on licences to use radio transmitters can be found in the Swedish Electronic Communications Act (2003:389).

Who grants licences

Section 3 The Government grants licences to broadcast television and searchable teletext if the broadcasting operation is financed by the public service fee pursuant to the Swedish Act on the Financing of Public Service Radio and Television (2018:1893). In all other cases, licences are granted by the Swedish Press and Broadcasting Authority. Act (2018:1895).

The implications of a licence

Section 4 A licence to broadcast television and searchable teletext grants the right to simultaneously broadcast in each area the number of programme services to which the licence relates at the time of day specified in the licence.

Who can obtain a licence

Section 5 A licence to broadcast television and searchable teletext may only be granted to a broadcaster that has the financial and technical resources to broadcast throughout the entire licence period and is prepared to cooperate with other licence holders on technical matters.

What to consider when granting a licence

Section 6 In the allocation of licences to broadcast television and searchable teletext, particular consideration shall be given to ensuring that broadcast frequencies can be utilised

1. for different programme services so that the broadcasts will appeal to an audience with a variety of interests and tastes,
2. for national as well as local and regional programme services, and
3. by several broadcasters that are independent of one another.

A licence restricted to retransmission

Section 7 A licence granted by the Swedish Press and Broadcasting Authority to a broadcaster may be restricted to the retransmission of programme services that are being simultaneously broadcast or have been broadcast shortly before by another broadcaster. In this case the Authority may decide that Chapters 5–8 shall not apply to broadcasts under the terms of that licence. Act (2015:808).

Licence conditions

Section 8 A licence to broadcast television or searchable teletext may be subject to conditions requiring an impartial and accurate exercise of the right to broadcast, with consideration for the fact that a wide freedom of expression and information shall prevail in television.

Section 9 A licence to broadcast television or searchable teletext may be subject to conditions regarding the obligation to

1. broadcast nationwide or to a specific area of the country,
2. broadcast for a specified minimum time,
3. simultaneously broadcast a specified minimum number of programme services in each area;
4. broadcast searchable teletext to a specified extent,
5. broadcast programmes with content specially adapted to persons with disabilities,
6. provide space for broadcasts licensed by the Government,
7. use a specified broadcasting technology,
8. cooperate with other licence holders on technical matters in order to promote accessibility and competition,
9. use specified radio transmitters,
10. give consideration to the special impact of television in terms of subjects, design and time of broadcast of the programmes,
11. broadcast replies,
12. respect the individual's right to privacy when conducting broadcasting operations,
13. broadcast a diverse range of programmes,
14. broadcast and produce programmes regionally,
15. without charge, broadcast messages that are of importance to the general public, when asked to do so by a public authority,
16. design broadcasts in such a way that reception is not restricted to a limited part of the general public in the broadcast area, and
17. prepare a contingency plan for the operations during a heightened state of alert and at peacetime emergencies and submit that plan to the Government and to the authority designated by the Government. Act (2012:702).

Section 10 A licence to broadcast television or searchable teletext may be subject to a prohibition on or conditions for broadcasting

1. commercial advertising or other advertisements,
2. sponsored programmes, including cases other than those described in Chapter 7 Sections 1–3, and
3. programmes in which product placement occurs.

Section 11 A licence to broadcast television or searchable teletext may be subject to conditions entailing that the ownership structure of and influence over a company that is granted the licence may not be altered more than to a limited extent.

Validity period of licences

Section 12 A licence to broadcast television and searchable teletext granted by the Government shall be valid for eight years.

A licence to broadcast television or searchable teletext granted by the Swedish Press and Broadcasting Authority is valid for six years. Where special reasons exist, the Authority may decide that a licence should be valid for a shorter period.

The conditions to which a licence is subject may have a shorter period of validity than the licence itself. Act (2018:1895).

Exemptions for broadcasts licensed for a limited period of time

Section 13 The provisions of Sections 5 and 6 need not be applied if the licence to broadcast television and searchable teletext is issued for a limited period of no more than two weeks.

The Swedish Press and Broadcasting Authority may decide that Chapters 5–8 shall not apply to the broadcasts referred to in the first paragraph. Act (2015:808).

Opinion regarding licence conditions

Section 14 Before a decision to grant a licence is taken, the applicant shall be given the opportunity to review and comment on the conditions that the Government or the Swedish Press and Broadcasting Authority intends to attach to the licence. The licensing decision may not contain any programme-related conditions other than those accepted by the applicant. Act (2015:808).

Transfer of a licence

Section 15 A licence to broadcast television and searchable teletext may be transferred with the permission of the Swedish Press and Broadcasting Authority. Such permission may only be granted if

1. the party acquiring the licence meets the conditions set out in Section 5,
2. the transfer does not increase the concentration of ownership among those granted licences to broadcast television and searchable teletext to any more than a limited extent, and
3. the transfer does not entail a significant reduction of the diversity in the range of programme services requiring a licence.

A transfer without permission is null and void. Act (2015:808).

Section 16 The party acquiring a licence assumes the rights and obligations of the transferor pursuant to this Act.

If an injunction pursuant to Chapter 17 Sections 11 and 13 has been issued against the previous licence holder, that injunction also applies to the new holder. The Swedish Press and Broadcasting Authority shall inform the new licence holder of this when permitting the transfer. If the new licence holder has not been informed, the injunction does not apply. The new licence holder is not liable for any conditional fine imposed with the injunction. Act (2015:808).

Fees

Section 17 The Swedish Press and Broadcasting Authority may charge a fee to a party applying to the Authority for a licence to broadcast television and searchable teletext or for permission to transfer such a licence.

The fee shall be equivalent to the Authority's costs for administering the matter. Act (2015:808).

Chapter 5 Content of television broadcasts, video-on-demand and searchable teletext

General requirements

Section 1 A media service provider that provides television broadcasts, video-on-demand or searchable teletext shall ensure that the overall programme operation reflects the fundamental concepts of a democratic state and the principle of the equal value of all human beings and the freedom and dignity of the individual.

Protection of minors

Section 2 Programmes that contain detailed depictions of realistic violence or pornographic images may not be broadcast on television at such a time and in such a manner that presents a significant risk that children will see the programme, unless this is justified for some special reason.

Nor may such programmes be provided by video-on-demand in such a manner that presents a significant risk that children will see the programme, unless this is justified for some special reason. Act (2020:875).

Section 3 A media service provider that broadcasts or provides programmes containing detailed depictions of realistic violence or pornographic images shall warn viewers of the existence of such content. Act (2020:875).

Section 3 a Personal data collected or otherwise generated by media service providers in order to fulfil the requirements of Section 2 may not be processed for commercial purposes. Act (2020:875).

Corrections

Section 4 Where justified, information in a television programme or searchable teletext that is not commercial advertising and that has been broadcast by any means other than cable shall be corrected.

Where justified, even information contained in a television programme and in searchable teletext that is not commercial advertising and that has been broadcast by means of cable should be corrected.

Undue commercial prominence

Section 5 Programmes other than commercial advertising may not give undue prominence to any commercial interests. This means that the programme may not encourage the purchase or rental of goods or services or include other promotional references, or unduly promote a product or service.

Chapters 6 and 7 contain provisions on product placement and sponsorship.

Advocacy advertising

Section 6 Broadcasts that are subject to conditions on impartiality may not contain messages on behalf of another party intended to gain support for political or religious opinions or labour market interests.

That such messages are to be regarded as advertisements is stated in Chapter 3 Section 1.

Programmes of European origin

Section 7 Unless there are special reasons to do otherwise, television broadcasters shall ensure that the following requirements are met:

More than half of the annual broadcasting time shall be reserved for programmes of European origin.

At least 10 per cent of the annual broadcasting time or at least 10 per cent of the programming budget shall be reserved for independently produced programmes of European origin. The highest possible percentage should consist of programmes produced over the preceding five years.

For the purposes of this section, the term broadcasting time refers to times at which programmes with content other than news, sport, games, advertisements and teleshopping are broadcast. Nor does broadcasting time include broadcasts of text only.

Unless there are special reasons to do otherwise, the television broadcasts referred to in the first paragraph shall include a significant percentage of programmes in Swedish, programmes featuring artists active in Sweden and works by creators active in Sweden. Act (2020:875).

Section 8 Providers of video-on-demand shall ensure that at least 30 per cent of the catalogue consists of programmes of European origin and that these programmes are given prominence.

The obligation referred to in the first paragraph does not apply to providers of services with a low turnover or low audience.

The Swedish Press and Broadcasting Authority may decide, on a case-by-case basis, to grant exemptions from this obligation if, given the design or focus of the service in question, it is deemed unjustifiable or unfeasible to fulfil. Act (2020:875).

Exclusive rights to television broadcasts

Section 9 A television broadcaster who holds exclusive broadcasting rights to an event in Sweden or abroad of major importance for Swedish society may not, if the event is broadcast, utilise such rights in a manner that deprives a substantial proportion of the Swedish public of the possibility to view the event on free television live or, if there are special reasons to do so, with a slight delay. The events referred to are those that take place no more than once a year and that are of interest to a broad general public in Sweden.

If, through a notice in the Official Journal of the European Union, the European Commission has declared that an event is of major importance for society in another EEA State, television broadcasters who hold exclusive rights to broadcast the event in that state may not, if they broadcast the event, utilise such rights in a manner that deprives a substantial proportion of the public in that state of the possibility to view the event on free television in the manner specified in the notice.

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

The Government issues regulations regarding which events are of major importance for Swedish society.

Short reports from events of high interest to the public

Section 10 Section 48 a of the Swedish Act on Copyright in Literary and Artistic Works (1960:729) contains provisions regarding the right of broadcasters in an EEA State to broadcast extracts in its own general news broadcasts from a television broadcast of an event of high interest to the public to which another broadcaster owns exclusive broadcasting rights.

Requirements for broadcast designations for television broadcasts and searchable teletext

Section 11 Anyone who broadcasts television or searchable teletext pursuant to this Act shall use a broadcast designation approved by the Swedish Press and Broadcasting Authority.

In television broadcasts, the designation shall be stated at least once an hour during broadcasting time or, if this is not possible, between the programmes. The designation shall be displayed continuously on searchable teletext services. Act (2015:808).

Requirements regarding accessibility for persons with disabilities

Section 12 A media service provider shall design the service in such a way that it is accessible to persons with disabilities by means of subtitles, interpretation, text-to-speech or similar techniques. If the operation is financed by the public service fee pursuant to the Swedish Act on the Financing of Public Service Radio and Television (2018:1893), accessibility measures shall be implemented to the extent decided by the Government and in all other cases by the Swedish Press and Broadcasting Authority. Any such decision shall be valid for a specified period of time.

In determining how and to what extent the service is to be made accessible to persons with disabilities, the media service provider's financial conditions and the technical development of accessibility services shall be taken into account.

The provider shall prepare an action plan for how the accessibility of the service shall increase. The Government or the authority designated by the Government may issue regulations regarding what should be included in the action plan. Act (2020:875).

Section 12 a A media service provider that broadcasts messages that are of importance to the general public at the request of a public authority shall as soon as possible design the messages so that they are accessible to persons with disabilities. Act (2020:875).

Freedom to broadcast television and provide video-on-demand to Sweden

Section 13 A media service provider established in an EEA State other than Sweden retains the right to provide its services to Sweden without hinderance from Swedish regulations within the regulatory area coordinated by the AVMS Directive, as amended by Directive (EU) 2018/1808. This also applies when the service is provided by means of retransmission within Sweden by a media service provider within Swedish jurisdiction pursuant to Chapter 1 Section 3.

There are provisions in Chapter 16 regarding cooperation between authorities. With regard to video-on-demand, there are also provisions in the Swedish Act on Electronic Commerce and other Information Society Services (2002:562) on the legal right of a court or other authority to take measures to restrict the free movement of such a service under certain circumstances. Act (2020:875).

Incitement to commit terrorist offences, violence or hatred in certain satellite broadcasts

Section 14 Programmes broadcast by means of satellite pursuant to Chapter 1 Section 3 first paragraph points 2 or 3 that are not intended for reception in Sweden may not include content that incites terrorist offences, violence or hatred within the scope of Article 6 of the AVMS Directive, as amended by Directive (EU) 2018/1808 and referred to in the provisions on

1. making an unlawful threat in Chapter 4 Section 5 of the Swedish Criminal Code,
2. inciting crime in Chapter 16 Section 5 of the Swedish Criminal Code,
3. agitation against a population group in Chapter 16 Section 8 of the Swedish Criminal Code, or

4. offences under Section 3 of the Swedish Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime (2010:299). Act (2020:875).

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Chapter 6 Product placement

When product placement is prohibited

Section 1 Product placement in television broadcasts or video-on-demand is prohibited in

1. news and current affairs programmes,
2. programmes dealing with consumer issues,
3. religious programmes, and
4. programmes primarily aimed at children under 12 years of age. Act (2020:875).

Section 2 Product placements are prohibited in television broadcasts or video-on-demand if they relate to

1. alcoholic beverages and tobacco products,
2. other products from companies whose principal activity is to manufacture or sell alcoholic beverages or tobacco products,
3. prescription pharmaceuticals and medical treatments that are only available on prescription,
4. infant formula,
5. gambling products offered by a company without the necessary licence pursuant to the Swedish Gambling Act (2018:1138),
6. such electronic cigarettes and refill containers as referred to in the Swedish Act on Tobacco and Similar Products (2018:2088) and other products from companies whose principal activity is to manufacture or sell electronic cigarettes or refill containers, or
7. alcoholic beverage-like preparations pursuant to the Swedish Alcohol Act (2010:1622). Act (2020:875).

Requirements on programmes containing product placement

Section 3 Programmes containing product placement may only be broadcast or provided if the programme does not give undue prominence to commercial interests pursuant to Chapter 5 Section 5.

When product placement occurs, the programme's content, scheduling or structuring in a catalogue may not be influenced in a manner that affects the editorial independence of the media service provider. Act (2020:875).

Information regarding product placement

Section 4 When product placement occurs in a programme, viewers shall be informed of this at the start and at the end of the programme and when the programme resumes after an advertising break.

The information shall solely consist of a neutral statement on the occurrence of product placement and of the product or service that has been placed in the programme.

Chapter 7 Sponsorship

Programmes which may not be sponsored

Section 1 Programmes in television broadcasts, searchable teletext or in video-on-demand that primarily contain news or news commentary may not be sponsored.

Parties prohibited from sponsoring programmes

Section 2 Programmes in television broadcasts, searchable teletext or in video-on-demand may not be sponsored by any party whose principal activity is to manufacture or sell alcoholic beverages or alcoholic beverage-like preparations pursuant to the Swedish Alcohol Act (2010:1622), tobacco products or the electronic cigarettes and refill containers referred to in the Swedish Act on Tobacco and Similar Products (2018:2088). Act (2019:354).

Restrictions on companies that manufacture or sell infant formula

Section 2 a If a company that manufactures or sells infant formula sponsors a programme in a television broadcast, searchable teletext or video-on-demand, the sponsorship may not promote the use of infant formula but only the company's other products and its image. Act (2013:1056).

Sponsorship by companies providing gambling

2 b A company whose principal activity is to provide gambling and that does not have the necessary licence pursuant to the Swedish Gambling Act (2018:1138) may not sponsor a programme in a television broadcast, searchable teletext or video-on-demand. Act (2018:1145).

Restrictions on pharmaceutical companies

Section 3 If a pharmaceutical company sponsors a programme in a television broadcast, searchable teletext or video-on-demand, the sponsorship may only promote the company's name or image and not prescription pharmaceuticals or medical treatments that are only available on prescription.

Requirements on sponsored programmes

Section 3 a The content, and when broadcast on television, the scheduling of sponsored programmes may not be influenced in a manner that affects the editorial independence of the media service provider. Act (2015:662).

Section 4 When a media service provider broadcasts a sponsored programme on television or provides it via video-on-demand, the provider shall state who has contributed to the financing. Such a message shall be presented at the beginning and at the end of the programme or on one of these occasions.

In searchable teletext such a message shall be presented continuously.

If only a clearly delineated segment of the programme is sponsored, the sponsorship message shall be presented at either the beginning or end of that segment. Such a message does however presuppose that neither the value and integrity of the programme nor the rights of the right holders are infringed.

Section 5 In addition to what follows from the provisions in Section 4, sponsorship messages may be displayed in television broadcasts

1. at the beginning and at the end of a programme, if a message has been communicated pursuant to Section 4 third paragraph,
2. during sports programmes with extended pauses and in programmes featuring performances or events, during breaks for the audience,
3. when the broadcast switches from one programme service to another,
4. when switching between studio broadcasts and other broadcasts, and
5. in conjunction with advertising breaks.

The first paragraph applies only when the sponsorship message can be communicated in such a way that neither the value and integrity of the programme nor the rights of the right holders are infringed.

Section 6 In addition to what follows from the provisions of Section 4, sponsorship messages may be displayed in video-on-demand if this can be achieved in such a way that neither the value and integrity of the programme nor the rights of the right holders are infringed.

Section 7 A sponsorship message in television broadcasts, searchable teletext or video-on-demand shall include the name, logotype or other characteristic of the sponsor. The message may not contain any promotional elements.

Split-screen sponsorship messages

Section 8 A sponsorship message may be communicated using a split screen in the cases referred to in Sections 4–6 if this can be done in such a way that neither the value and integrity of the programme nor the rights of the right holders are infringed.

Chapter 8 Commercial advertising and other advertisements etc.

Advertising times for television broadcasts

Section 1 Advertisements may be broadcast on television for a maximum of

- 20 per cent of the time between 06:00 and 18:00, and
- 20 per cent of the time between 18:00 and 24:00.

Advertising time does not include neutral framing between

- editorial content and advertisements or teleshopping programmes,
- individual advertisements, or
- individual teleshopping programmes.

Notwithstanding that stated in the first paragraph, programme services dedicated solely to teleshopping programmes may be broadcast on television on condition that the duration of the broadcast is at least 15 minutes. Act (2020:875).

Section 2 The total advertising time in a television broadcast on a given occasion shall not be less than one minute excluding the broadcasting time for the advertising signature pursuant to Section 5.

The first paragraph does not apply to live television broadcasts of sports events. Act (2012:702).

Programmes that may not be interrupted by advertising

Section 3 Television broadcasts containing religious services or programmes primarily aimed at children under 12 years of age may not be interrupted by advertising.

In video-on-demand, programmes primarily aimed at children under 12 years of age may not be interrupted by advertising.

When programmes may be interrupted by advertising

Section 4 In television broadcasts, programmes other than those referred to in Section 3 first paragraph may be interrupted by advertising only if the break, taking into account natural breaks in the programme and the duration and nature of the programme, does not infringe on the value and integrity of the programme nor the rights of the right holders.

Broadcasts of news programmes and of feature films made for cinema or television, excluding television series and documentaries, may be interrupted by advertising once every scheduled period of at least 30 minutes, provided that the requirements of the first paragraph are fulfilled.

Advertising signature

Section 5 Before and after every advertising break in television broadcasts or video-on-demand, a specific signature shall be inserted to clearly distinguish the advertisements from other content. The signature shall consist of both audio and visual elements. In searchable teletext, teleshopping programmes and during split-screen advertising, the signature shall be continuously visible; however, only the visual element is then required.

In the case of television broadcasts licensed by the Government, the Government may grant exemptions from obligations pursuant to the first paragraph and the requirement for a minimum

advertising time pursuant to Section 2. Such exemptions may also be granted by the Swedish Press and Broadcasting Authority with regard to broadcasts licensed by the Authority.

Section 9 of the Swedish Marketing Act (2008:486) contains provisions on the identification of commercial advertising. Act (2015:808).

Information regarding on whose behalf an advertisement is being provided

Section 6 If an advertisement that is not commercial advertising appears in a television broadcast, searchable teletext or video-on-demand, it shall be clear in whose interest this takes place.

Commercial advertising and children

Section 7 Commercial advertising in television broadcasts, searchable teletext and video-on-demand may not aim to capture the attention of children under 12 years of age.

In television broadcasts and video-on-demand, commercial advertising may not occur immediately before or after a programme or segment of a programme primarily aimed at children under 12 years of age.

Section 8 Commercial advertising in television broadcasts, searchable teletext and video-on-demand may not feature persons or characters that play a prominent role in programmes primarily aimed at children under 12 years of age.

Persons who may not appear in advertisements

Section 9 Advertisements in television broadcasts, searchable teletext and video-on-demand may not feature persons who play a prominent role in programmes that primarily contain news and news commentary.

Split-screen advertising

Section 10 Split-screen advertising is permitted in live television broadcasts of events that take place without interruption.

Split-screen advertising in the form of self-promotion is also permitted during other television broadcasts.

Split-screen advertising is permitted in video-on-demand.

Split-screen advertising is not permitted if it infringes on the value and integrity of the programme or the rights of right holders.

The first paragraph also applies to the retransmission of a television programme in unaltered form.

Virtual advertising

Section 11 Virtual advertising is permitted in television broadcasts of and video-on-demand sports events if the advertising

1. is no more prominent than the advertising normally appearing on the site and does not otherwise interfere with the viewer's understanding of the programme, or
2. does not infringe on the value and integrity of the programme or the rights of right holders.

Before and after each programme containing virtual advertising, the media service provider shall inform viewers in an appropriate manner that such advertising is in use. This message shall solely consist of neutral information on the occurrence of virtual advertising in the programme.

The provisions of Sections 7–9 shall apply to virtual advertising.

Electronic company signs

Section 12 In sports programmes and games programmes in television broadcasts and video-on-demand, the name or logotype of the company or companies providing equipment or services necessary to produce information on results, scores or the like may be inserted into the television picture electronically if the following conditions are met:

1. The company's name or logotype is displayed in conjunction with the delivery of the information provided by the company in question.
2. The broadcaster or provider of video-on-demand does not receive any remuneration for the display.
3. The company's name or logotype is not accompanied by audio and only takes up a small part of the screen.
4. The company's name or logotype is displayed to a reasonable extent.

Commercial advertising of alcohol and tobacco

Section 13 Provisions prohibiting commercial advertising of alcoholic beverages, alcoholic beverage-like preparations, tobacco products and electronic cigarettes and refill containers can be found in Chapter 7 Section 3 of the Swedish Alcohol Act (2010:1622) and Chapter 4 Sections 1–4 of the Swedish Act on Tobacco and Similar Products (2018:2088). Act (2019:354).

Commercial advertising of infant formula

Section 13 a Provisions prohibiting commercial advertising of infant formula can be found in the Swedish Act on the Marketing of Infant Formula and Follow-on Formula (2013:1054). Act (2013:1056).

Commercial advertising of gambling

Section 13 b Provisions prohibiting commercial advertising of gambling can be found in Chapter 15 Section 6 of the Swedish Gambling Act (2018:1138). Act (2018:1145).

Commercial advertising of pharmaceuticals and medical treatment

Section 14 Commercial advertising of medical treatment only available on prescription is not permitted in television broadcasts, searchable teletext and video-on-demand.

Teleshopping programmes for pharmaceuticals or medical treatment are not permitted in television broadcasts, searchable teletext and video-on-demand.

Provisions prohibiting certain forms of marketing of pharmaceuticals can be found in the Swedish Medicinal Products Act (2015:315). Compliance with such provisions is supervised by the Swedish Medical Products Agency pursuant to the Medicinal Products Act. Act (2015:326).

Prohibition of commercial advertising by local cable broadcasting organisations

Section 15 A local cable broadcasting organisation may not broadcast commercial advertising.

Exemption for self-promotion

Section 16 The provisions of Sections 1, 2, 5, 7–9 and 15 do not apply to commercial advertising by a media service provider of its own programme operation or the programme operations of other media service providers that belong to the same media group. Act (2020:875).

Overlying elements and modifications

Section 17 Television broadcasts and video-on-demand may not be overlaid for commercial purposes or modified without consent of the media service provider.

The Government or the authority designated by the Government may issue regulations regarding exemptions from the requirement for consent in the first paragraph. Act (2020:875).

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Chapter 9 Retransmissions in cable networks

Obligation to retransmit programme services

Section 1 Any party owning or otherwise controlling an electronic communications network used for the transmission of television broadcasts and searchable teletext by means of cable to the general public shall, if a substantial proportion of the households connected to the network uses it as their primary means of receiving television broadcasts, ensure that the residents of the connected households are able to receive Government-licensed television broadcasts and searchable teletext which can be received in the area without conditions on separate payment.

This obligation only applies to television broadcasts and searchable teletext the licence for which is subject to conditions on impartiality and accuracy. For television broadcasts, the licence shall also be subject to conditions to broadcast a diverse range of programmes that includes news. Such an obligation to retransmit only applies if the conditions for retransmission according to the Swedish Act on Copyright in Literary and Artistic Works (1960:729) are fulfilled.

It shall be possible to receive the broadcasts referred to in the first paragraph in a satisfactory manner and without incurring any costs for the reception itself.

The obligation to retransmit pursuant to the first paragraph also applies to broadcasts carried out by a licensee in order to meet its obligation to broadcast nationwide or to a given area of the country, but where the means of transmission does not require a licence from the Government.

Act (2020:875).

Number of programme services subject to the obligation to retransmit

Section 2 The obligation to retransmit television broadcasts pursuant to Section 1 is limited to no more than four programme services with different content that are broadcast simultaneously by a broadcaster the operations of which are financed by the public service fee pursuant to the Swedish Act on the Financing of Public Service Radio and Television (2018:1893). Act (2020:875).

Technology to be used for retransmission

Section 3 In networks where television is transmitted using both analogue and digital technology, a minimum of two programme services referred to in Section 2 shall be retransmitted using analogue technology, if they are or have previously been broadcast using analogue technology. Otherwise, retransmission may be achieved using digital technology.

Exemptions from the obligation to retransmit

Section 4 The obligation to retransmit pursuant to Section 1 first and second paragraphs does not cover broadcasts licensed for retransmission pursuant to Chapter 4 Section 7.

Broadcast frequencies for television programmes from local cable broadcasting organisations

Section 5 Any party owning or otherwise controlling an electronic communications network used for the transmission of television broadcasts by means of cable to the general public and that is used by at least 100 of the households connected to the network as their primary means of receiving television broadcasts shall, in every municipality in which he or she controls such a network, provide free of charge a designated frequency for the transmission of television programmes from one or

more local cable broadcasting organisations appointed by the Swedish Press and Broadcasting Authority.

In networks where television is transmitted with analogue and digital technology, frequencies shall be provided for broadcasts by local cable broadcasting organisations using both analogue and digital technology. Act (2015:808).

Requirements on local cable broadcasting organisations

Section 6 A local cable broadcasting organisation shall be a legal person formed for the purpose of transmitting local cable broadcasts and that may be assumed to permit the expression of various interests and opinions via its operations.

In its operations, a local cable broadcasting organisation shall strive for the broadest possible freedom of expression and information.

Appointments of local cable broadcasting organisations by the Swedish Press and Broadcasting Authority are valid for a maximum of three years. Act (2015:808).

Possible exemptions

Section 7 In individual cases, if there are special reasons to do so the Swedish Press and Broadcasting Authority may decide to grant exemptions from the obligations set out in Sections 1–3 and 5. Act (2015:808).

UNOFFICIAL DOCUMENT

Chapter 9 a Video-sharing platforms

Protection of minors

Section 1 A video-sharing platform provider shall take appropriate measures to ensure that user-generated videos, television programmes and audiovisual commercial communications that contain detailed depictions of realistic violence or pornographic images are not made available in such a manner that presents a significant risk that children will see them, unless this is justified for some special reason. Act (2020:875).

Section 2 Personal data collected or otherwise generated by video-sharing platform providers in order to fulfil the requirement for measures pursuant to Section 1 may not be processed for commercial purposes. Act (2020:875).

Protection against criminal content

Section 3 A video-sharing platform provider shall take appropriate measures to ensure that user-generated videos, television programmes and audiovisual commercial communications made available on the platform do not include any content that breaches the provisions on

1. making an unlawful threat in Chapter 4 Section 5 of the Swedish Criminal Code,
2. inciting crime in Chapter 16 Section 5 of the Swedish Criminal Code,
3. agitation against a population group in Chapter 16 Section 8 of the Swedish Criminal Code,
4. child pornography offences in Chapter 16 Section 10 a of the Swedish Criminal Code,
5. unlawful depiction of violence in Chapter 16 Section 10 c of the Swedish Criminal Code, or
6. offences under Section 3 of the Swedish Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime (2010:299). Act (2020:875).

Information regarding product placement

Section 4 A video-sharing platform provider that enters into or facilitates agreements on product placement in user-generated videos or television programmes shall ensure that there is information about the existence of product placement in these videos or television programmes. The information shall be provided at the beginning and at the end of the video or programme and when it resumes after an advertising break. The information shall solely consist of a neutral statement on the occurrence of product placement and of the product or service that has been placed in the video or programme. Act (2020:875).

Prohibition of product placement

Section 5 A video-sharing platform provider may not enter into or facilitate an agreement on product placement in user-generated videos or television programmes if

1. the product placement relates to the goods and services listed in Chapter 6 Section 2 points 1–7, or
2. the video or programme is primarily aimed at children under 12 years of age. Act (2020:875).

Information regarding sponsorship

Section 6 A provider that enters into or facilitates sponsorship agreements for user-generated videos or television programmes shall state who has sponsored the video or programme. Such a

message shall be provided at the beginning or at the end of the video or television programme.
Act (2020:875).

Prohibition of and restrictions on sponsorship

Section 7 The provisions on the prohibition of and restrictions on sponsorship in Chapter 7 Sections 2–3 a apply to a video-sharing platform provider that enters into or facilitates sponsorship agreements for user-generated videos or television programmes.
Act (2020:875).

Advertising signature

Section 8 A video-sharing platform provider that provides commercial advertising shall ensure that a specific signature is inserted before and after every advertising break to clearly distinguish the commercial advertising from other content. The signature may be either audio or visual. During split-screen advertising, the signature shall be constantly visible. Section 9 of the Swedish Marketing Act (2008:486) contains provisions on the identification of commercial advertising. Act (2020:875).

Commercial advertising and children

Section 9 A video-sharing platform provider may not interrupt user-generated videos or television programmes primarily aimed at children under 12 years of age for commercial advertising.

Nor may the provider insert commercial advertising immediately before or after user-generated videos or television programmes or segments thereof primarily aimed at children under 12 years of age. Act (2020:875).

Section 10 A video-sharing platform provider may not provide commercial advertising intended to capture the attention of children under 12 years of age before, during or after user-generated videos or television programmes. Act (2020:875).

Prohibition on commercial advertising of medical treatment

Section 11 A video-sharing platform provider may not provide commercial advertising of medical treatment only available on prescription before, during or after user-generated videos or television programmes. Act (2020:875).

Prohibition on marketing in other legislation

Section 12 Provisions prohibiting marketing can also be found in the Swedish Alcohol Act (2010:1622), Act on the Marketing of Infant Formula and Follow-on Formula (2013:1054), Medicinal Products Act (2015:315), Gambling Act (2018:1138) and Act on Tobacco and Similar Products (2018:2088). Act (2020:875).

Requirements for measures

Section 13 A video-sharing platform provider shall take appropriate measures in order to make users of the platform act in accordance with the provisions of this chapter and Chapter 7 Section 3 second paragraph of the Swedish Alcohol Act (2010:1622).
Act (2020:875).

Radio broadcasts and radio-on-demand

Chapter 10 Licensing requirements

When a licence is required

Section 1 Pursuant to this Act, a licence is required to broadcast radio using radio waves, if

1. the broadcast is transmitted on frequencies below 30 megahertz that, according to international agreements binding on Sweden, are intended for radio broadcasts, or
2. the broadcast is transmitted on frequencies between 87.5–108 megahertz, 174–240 megahertz or 470–790 megahertz. Act (2012:702).

Section 2 A licence pursuant to Section 1 is not required for broadcasts that are specially adapted for persons with visual impairment transmitted during no more than four hours a day from radio transmitters used for broadcasts where a licence has been issued pursuant to this Act.

Section 3 Provisions on licences to use radio transmitters can be found in the Swedish Electronic Communications Act (2003:389).

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Chapter 11 Licences to broadcast radio other than community radio and commercial radio

Who grants licences

Section 1 Licences to broadcast radio are granted by the Government if the broadcasting operation is financed by the public service fee pursuant to the Swedish Act on the Financing of Public Service Radio and Television (2018:1893). The Government also grants licences for international radio broadcasts from Sweden.

The Government may decide that Chapters 14 and 15 shall not apply to international radio broadcasts from Sweden under such licences.

The Swedish Press and Broadcasting Authority may grant licences to broadcast radio that is not community radio or commercial radio for a limited period not exceeding two weeks. The Authority may decide that Chapters 14 and 15 shall not apply to broadcasts under such licences.

If special reasons exist, the Government may grant licences to broadcast local radio that does not meet the requirements for community radio or commercial radio. Act (2018:1895).

The implications of a Government licence

Section 2 A licence to broadcast radio grants the right to simultaneously broadcast in each area the number of programme services to which the licence relates at the times of day specified in the licence. Act (2012:702).

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Licence conditions

Section 3 A licence to broadcast radio other than community radio or commercial radio may be subject to the conditions stated in Chapter 4 Sections 8, 10 and 11.

A licence may also be subject to an obligation to

1. broadcast nationwide or to a specific area of the country,
2. broadcast for a specified minimum time,
3. simultaneously broadcast a specified minimum number of programme services in each area,
4. provide space to broadcasts that are specially adapted for persons with visual impairment pursuant to Chapter 10 Section 2 and design broadcasts in such a way as to make them accessible to persons with disabilities,
5. provide space for broadcasts licensed by the Government,
6. use a specified broadcasting technology,
7. cooperate with other licence holders in technical matters in order to promote accessibility and competition,
8. use specified radio transmitters,
9. give consideration to the special impact of radio in terms of subjects, design and time of broadcast of the programmes,
10. comply with the provision on corrections in Chapter 5 Section 4 first paragraph,
11. broadcast replies,
12. respect the individual's right to privacy when conducting broadcasting operations,
13. broadcast a diverse range of programmes,
14. broadcast and produce programmes regionally,
15. without charge, broadcast messages that are of importance to the general public, when asked to do so by a public authority,
16. design broadcasts in such a way that reception is not restricted to a limited part of the general public in the broadcast area, and
17. prepare a contingency plan for the operations during a heightened state of alert and at peacetime emergencies and submit that plan to the Government and to the authority designated by the Government. *Act (2012:702).*

Validity period of licences

Section 4 A licence granted by the Government to broadcast radio shall be valid for eight years if the broadcasting operation is financed by the public service fee pursuant to the Swedish Act on the Financing of Public Service Radio and Television (2018:1893).

A licence granted by the Government to broadcast radio in cases other than those described in the first paragraph shall be valid for a period determined by the Government. *Act (2018:1895).*

Opinion regarding licence conditions

Section 5 Before a decision to grant a licence is taken, the applicant shall be given the opportunity to review and comment on the conditions that the Government or the Swedish Press and Broadcasting Authority intends to attach to the licence.

The licensing decision may not contain any programme-related conditions other than those accepted by the applicant. *Act (2015:808).*

Chapter 12 Licences to broadcast community radio

Who grants licences

Section 1 The Swedish Press and Broadcasting Authority grants licences to broadcast community radio. Act (2015:808).

Opportunities to broadcast community radio

Section 2 If an association eligible for a licence pursuant to Section 4 so requests and it is technically feasible, there shall be an opportunity to broadcast community radio within a municipality.

If special reasons exist, more than one community radio programme may be broadcast simultaneously in the municipality. Act (2012:702).

Broadcast area

Section 3 A broadcast area for community radio shall at most cover one municipality. Outside metropolitan areas, efforts should be made to ensure that the transmission can be received throughout the municipality.

If special reasons exist, the Swedish Press and Broadcasting Authority may decide on a broadcast area greater than a single municipality. Act (2015:808).

Associations that are eligible for a licence

Section 4 A licence to broadcast community radio may only be granted to the following legal entities:

1. Non-profit organisations that have a connection to the broadcast area.
2. Registered religious communities and the registered organisational units thereof that have a connection to the broadcast area.
3. Community radio associations.

In assessing whether a non-profit organisation has a connection to the broadcast area, particular consideration shall be given to where

1. the organisation's studio and other premises for the operation are located,
2. the responsible editor and board members reside, and
3. the organisation's general meetings and board meetings are held.

Requirements on a responsible editor

Section 5 A licence to broadcast community radio may only be granted once the association has notified the appointment of a responsible editor pursuant to the Swedish Fundamental Law on Freedom of Expression (1991:1469).

Impediments to obtaining a licence

Section 6 A licence to broadcast community radio may not be granted to any party that holds a licence to broadcast commercial radio.

A community radio broadcasting licence is invalidated if the licence holder is granted a commercial radio licence.

The licence to broadcast community radio ceases to be valid as from the date on which broadcasts may take place under the licence to broadcast commercial radio.

Broadcast times

Section 7 If the licence holders are unable to agree on the allocation of broadcast time, the matter shall be decided by the Swedish Press and Broadcasting Authority. The same applies in the event that a licence holder requests the Authority to determine the broadcasting schedule in its entirety.

Priority shall be given to the licence holder deemed to have the greatest interest in broadcasting at a given time.

The Swedish Press and Broadcasting Authority's decision regarding broadcast times applies until a new decision is reached by the Authority or a licence holder or community radio association informs the Authority that the licence holders have agreed on a different broadcasting schedule. Act (2015:808).

Section 8 The Swedish Press and Broadcasting Authority may decide that a broadcast time may not be used by any other party during a period not to exceed three months if a community radio licence holder, who has been issued with an injunction combined with a conditional fine pursuant to this Act, waives its broadcast time or surrenders its licence.

A community radio transmitter may not be used for other broadcasts for which a licence is required pursuant to this Act. Act (2015:808).

Validity period of licences

Section 9 A licence to broadcast community radio is valid for a stated period of time.

Chapter 13 Licences to broadcast commercial radio

Who grants licences

Section 1 A licence to broadcast commercial radio is granted by the Swedish Press and Broadcasting Authority. Act (2015:808).

Analogue commercial radio

Broadcast area

Section 2 The Swedish Press and Broadcasting Authority shall determine the extent of the broadcast areas for analogue commercial radio with regard to factors that promote competition and diversity in the entire radio sector and offer conditions for a viable commercial radio.

The Authority shall consult the Swedish Post and Telecom Authority on issues related to the extent of broadcast areas.

Several licences may be granted for the same broadcast area. Act (2017:569).

Section 3 A licence to broadcast analogue commercial radio entails the right to conduct such broadcasts that can be received with good audio quality within the broadcast area specified in the licence.

Who can obtain a licence

Section 4 A licence to broadcast analogue commercial radio may only be granted to a natural or legal person that has the financial and technical resources to broadcast throughout the entire licence period.

The State, regions or municipalities may not hold licences to broadcast analogue commercial radio, whether directly or indirectly through

1. a company in which one or more of the above solely or between them owns at least 20 per cent of the shares or interests or has a deciding influence over by agreement, or
2. a company that pursuant to Chapter 1 Section 4 of the Swedish Annual Accounts Act (1995:1554) is a subsidiary of a company referred to in point 1. Act (2019:946).

Section 5 No natural or legal person may hold more than one licence to broadcast analogue commercial radio within a broadcast area, if there is reason to believe that this may adversely affect competition. Act (2017:569).

Applications

Section 6 The Swedish Press and Broadcasting Authority shall announce when frequencies become available to broadcast analogue commercial radio. The announcement shall state the deadline for licence applications, the date on which broadcasts may commence under the licence and the extent of the broadcast area.

Applications for a licence to broadcast analogue commercial radio shall state the amount the applicant is willing to pay as a broadcasting fee. The broadcasting fee shall be stated as a lump sum for the entire licence period.

The Government or the authority designated by the Government issues regulations for the application procedure and what should be included in an application. Act (2015:808).

The right of parties to access information

Section 7 With regard to the matters described in Section 6, the provisions on communication in Section 25 of the Swedish Administrative Procedure Act (2017:900) shall not apply to information that solely relates to another applicant. Act (2018:842).

Who shall be granted a licence

Section 8 A licence to broadcast analogue commercial radio shall be granted to the applicant who meets the requirements set out in Section 4 and who tenders the highest broadcasting fee.

If two applicants tender the same amount, the matter of who is to be granted the licence shall be determined by drawing of lots.

Conditions

Section 9 A licence to broadcast analogue commercial radio may be subject to conditions regarding the obligation to

1. broadcast in a specific part of the broadcast area or so that transmissions reach a certain part of the population within the area,
2. broadcast for a specified minimum time,
3. use a specified broadcasting technology and cooperate with other licence holders on technical matters, and
4. use a specified recording technology as referred to in Chapter 16 Section 11.

Before a decision to grant a licence is taken, the applicant shall be given the opportunity to review and comment on the conditions the Swedish Press and Broadcasting Authority intends to attach to the licence. Act (2015:808).

Payment of broadcasting fees

Section 10 The applicant granted a licence to broadcast analogue commercial radio shall pay the fee stated in the application.

Section 11 The obligation to pay the broadcasting fee arises on the day on which broadcasts under the licence may commence.

Interest

Section 12 Interest on the broadcasting fee shall be payed from the day stated in Section 11. The interest is calculated in the manner stated in Section 6 of the Swedish Interest Act (1975:635).

When payment is deemed to have been completed

Section 13 The broadcasting fee and interest is paid into a specific account designated by the Swedish Press and Broadcasting Authority. Payment shall be deemed to have been completed on the date on which the full amount is posted to the account. Act (2015:808).

Enforcement

Section 14 Decisions regarding the broadcasting fee and interest may be enforced if the fee or interest is not paid by the due date.

Payment liability and collection

Section 15 With regard to the fee and interest referred to in Section 14, the provisions of Chapter 59 Sections 13, 16, 17, 21, 26 and 27 and Chapter 70 Sections 1–4 of the Swedish Tax Procedures Act (2011:1244) shall apply.

In the application of the first paragraph, that stated in the Swedish Tax Procedure Act regarding the Swedish Tax Agency shall apply to the Swedish Press and Broadcasting Authority. Act (2015:808).

Partners in a trading partnership

Section 16 The Swedish Press and Broadcasting Authority decides on issues related to the liability of partners in a trading partnership for the broadcasting fee pursuant to Chapter 2 Section 20 of the Swedish Partnership and Non-registered Partnership Act (1980:1102).

If a decision has been made pursuant to the first paragraph, the provisions relating to licence holders shall apply to the responsible partner and the provisions regarding the broadcast fee shall apply to amounts for which the partner is liable. Act (2015:808).

Extension of time to pay broadcasting fees and interest

Section 17 If special reasons exist, the Swedish Press and Broadcasting Authority may grant an extension of time to pay broadcasting fees and interest. Act (2015:808).

Transfer of a licence

Section 18 A licence to broadcast analogue commercial radio may be transferred with the permission of the Swedish Press and Broadcasting Authority. Such permission may only be granted if the party acquiring the licence meets the criteria pursuant to Section 4 second paragraph and there is no reason to believe that this may adversely affect competition in the broadcast area.

A transfer without permission is null and void. Act (2017:569).

Section 19 The party acquiring a licence assumes the rights and obligations of the transferor pursuant to this Act from the date on which permission is granted.

If an injunction pursuant to Chapter 17 Section 11 points 3 or 8 has been issued against the previous licence holder, that injunction also applies to the new holder. The Swedish Press and Broadcasting Authority shall inform the new licence holder of this when permitting the transfer. If the new licence holder is not informed, the injunction does not apply. The new licence holder is not liable for any conditional fine imposed with the injunction. Act (2015:808).

If the broadcasting fee has been paid and the licence is invalidated

Section 20 A licence holder that transfers its licence is not entitled to a refund of any part of the broadcasting fee paid. The same applies if a licence is

1. revoked at the request of the licence holder pursuant to Section 31,
2. invalidated pursuant to Section 32 due to bankruptcy, liquidation or death of the licence holder, or
3. revoked by the Swedish Press and Broadcasting Authority pursuant to Chapter 18 Section 5. Act (2015:808).

Section 21 The provisions of the Swedish Tax Procedures Act (2011:1244) on securing payment shall apply to broadcast fees under this Act. Act (2011:1436).

Digital commercial radio

Broadcast frequencies

Section 22 The Government decides the broadcast frequencies which may be allocated to digital commercial radio in different parts of the country.

Who can obtain a licence

Section 23 A licence to broadcast digital commercial radio may only be granted to a natural or legal person that

1. has the financial and technical resources to broadcast throughout the entire licence period, and

2. is prepared to cooperate with other licence holders on technical matters.

Licences may not be granted to the parties referred to in Section 4 second paragraph.

Applications

Section 24 The Swedish Press and Broadcasting Authority shall announce when frequencies become available to broadcast digital commercial radio. The announcement shall state the deadline for licence applications, the date on which broadcasts may commence under the licence and the extent of the broadcast area.

The Government or the authority designated by the Government issues regulations for the application procedure and what should be included in an application. Act (2015:808).

Fees

Section 25 The Swedish Press and Broadcasting Authority may charge a fee to a party applying to the Authority for a licence to broadcast digital commercial radio or for permission to transfer such a licence.

The fee shall be equivalent to the Authority's costs for administering the matter. Act (2015:808).

What to consider when granting a licence

Section 26 In the allocation of licences to broadcast digital commercial radio, the Swedish Press and Broadcasting Authority shall give consideration to ensuring that the broadcast frequencies for such broadcasts can be utilised

1. for different programme services so that the broadcasts will appeal to an audience with a variety of interests and tastes,
2. for national as well as local and regional programme services, and
3. by several broadcasters that are independent of one another. Act (2015:808).

Licence conditions

Section 27 In addition to the conditions stated in Section 9, a licence to broadcast digital commercial radio may be subject to conditions regarding the obligation to

1. broadcast a diverse range of programmes,
2. design broadcasts in such a way as to make them accessible to persons with disabilities, and
3. refrain from altering the ownership structure of and influence over the company holding the licence more than to a limited extent.

Before a decision to grant a licence is taken, the applicant shall be given the opportunity to review and comment on the conditions that the Swedish Press and Broadcasting Authority intends to attach to the licence. A licensing decision may not contain any programme-related conditions other than those accepted by the applicant. Act (2015:808).

Transfer of a licence

Section 28 A licence to broadcast digital commercial radio may be transferred with the permission of the Swedish Press and Broadcasting Authority. Such permission may only be granted if

1. the party acquiring the licence meets the conditions set out in Section 23,
2. the transfer does not increase the concentration of ownership among those granted licences to broadcast digital commercial radio to any more than a limited extent, and
3. the transfer does not entail a significant reduction of the diversity in the range of programme services requiring a license.

A transfer without permission is null and void. Act (2015:808).

Section 29 The party acquiring a licence assumes the rights and obligations of the transferor pursuant to this Act from the date on which permission is granted.

If an injunction pursuant to Chapter 17 Section 11 points 3 or 8 has been issued against the previous licence holder, that injunction also applies to the new holder. The Swedish Press and Broadcasting Authority shall inform the new licence holder of this when permitting the transfer. If the new licence holder is not informed, the injunction does not apply. The new licence holder is not liable for any conditional fine imposed with the injunction. Act (2015:808).

Common provisions

Validity period of licences

Section 30 A licence to broadcast commercial radio is valid for eight years.

If special reasons exist, the Swedish Press and Broadcasting Authority may decide that a licence shall be valid for a shorter period.

The conditions to which a licence is subject may have a shorter period of validity than the licence itself. Act (2015:809).

Request to revoke a licence

Section 31 If a licence holder requests that a licence be revoked, the licence shall be deemed to be invalid as from the date on which such a request was received by the Swedish Press and Broadcasting Authority or the later date specified by the licence holder in its request. Act (2015:808).

Revocation of a licence in the event of bankruptcy, liquidation and death

Section 32 If a licence holder is declared bankrupt or enters liquidation, the licence ceases to be valid three months after the decision on bankruptcy or liquidation. If a licence holder dies, the licence ceases to be valid three months after his or her death.

If a request for permission to transfer the licence has been received by the Swedish Press and Broadcasting Authority before the licence has ceased to be valid according to the first paragraph, the request shall be considered. Act (2015:808).

Chapter 14 Content of radio broadcasts and radio-on-demand

General requirements

Section 1 A radio broadcaster licensed by the Government shall ensure that its overall programme operation reflects the fundamental concepts of a democratic state and the principle of the equal value of all human beings and the freedom and dignity of the individual. Act (2012:702).

Undue commercial prominence

Section 2 Radio programmes other than commercial advertising may not give undue prominence to any commercial interests. This means that the programme may not

1. encourage the purchase or rental of goods or services or include other promotional references, or
 2. unduly promote a product or service.
- Act (2020:875).

Advertising of opinions

Section 3 Broadcasts that are subject to conditions on impartiality may not contain messages on behalf of another party intended to gain support for political or religious opinions or labour market interests.

That such messages are to be regarded as advertisements is stated in Chapter 3 Section 1.

Range of programmes in a community radio association

Section 4 A community radio association's range of programmes may only contain

1. broadcasts from events of common interest to the licence holders,
2. information, to a limited extent, on municipal activities,
3. information on programmes, programme times and other information on community radio activities in the locality, and
4. test broadcasts of programmes produced by legal persons qualified to obtain a licence to broadcast community radio, for a maximum period of three months in each case.

Warning messages on commercial radio

Section 5 Warning messages of importance to the general public and intended to protect people, property or the environment shall be broadcast free of charge on commercial radio at the request of a public authority.

Requirements for Swedish programmes in Government-licensed broadcasts

Section 6 Unless there are special reasons to do otherwise, Government-licensed radio broadcasts shall include a significant percentage of programmes in Swedish, programmes featuring artists active in Sweden and works by creators active in Sweden.

Requirements for broadcast designations

Section 7 Anyone who broadcasts radio pursuant to this Act shall use a broadcast designation approved by the Swedish Press and Broadcasting Authority. The designation shall be stated at least once an hour during broadcasting time or, if this is not possible, between the programmes. Act (2015:808).

Public-service radio-on-demand

Section 8 The provisions of Sections 1 and 2 also apply to radio-on-demand financed by the public service fee pursuant to the Swedish Act on the Financing of Public Service Radio and Television (2018:1893). Act (2020:875).

UNOFFICIAL DOCUMENT

Chapter 15 Commercial advertising, other advertisements and sponsorship

Advertising signature

Section 1 Before and after every advertising break in a radio broadcast, a specific signature shall be inserted to clearly distinguish the advertisements from other broadcasts.

The Government may grant exemptions from this requirement in respect of broadcasts licensed by the Government.

Section 9 of the Swedish Marketing Act (2008:486) contains provisions on the identification of commercial advertising.

Advertising times for radio broadcasts

Section 2 Advertisements may be broadcast on radio for a maximum of 12 minutes per clock hour. If the broadcast does not run for a full hour, advertisements may be broadcast for a maximum of 15 per cent of the broadcast time.

Information regarding on whose behalf an advertisement is being broadcasted

Section 3 If an advertisement that is not commercial advertising appears in a radio broadcast, it shall be clear in whose interest this takes place.

Persons who may not appear in advertisements

Section 4 Advertisements in radio broadcasts may not feature persons who play a prominent role in programmes that primarily contain news or news commentary.

Commercial advertising of alcohol and tobacco

Section 5 Provisions prohibiting commercial advertising of alcoholic beverages, alcoholic beverage-like preparations, tobacco products and electronic cigarettes and refill containers can be found in Chapter 7 Section 3 of the Swedish Alcohol Act (2010:1622) and Chapter 4 Sections 1–4 of the Swedish Act on Tobacco and Similar Products (2018:2088). Act (2019:354).

Commercial advertising of infant formula

Section 5 a Provisions prohibiting commercial advertising of infant formula can be found in the Swedish Act on the Marketing of Infant Formula and Follow-on Formula (2013:1054). Act (2013:1056).

Commercial advertising of gambling

Section 5 b Provisions prohibiting commercial advertising of gambling can be found in Chapter 15 Section 6 of the Swedish Gambling Act (2018:1138). Act (2018:1145).

Commercial advertising of pharmaceuticals

Section 6 Provisions prohibiting certain forms of marketing of pharmaceuticals can be found in the Swedish Medicinal Products Act (2015:315). Compliance with such provisions is supervised by the Swedish Medical Products Agency pursuant to the Medicinal Products Act. Act (2015:326).

Exemption for self-promotion

Section 7 The provisions of this chapter do not apply to the broadcaster's commercial advertising of its own programme operation.

Programmes which may not be sponsored

Section 8 Programmes in radio broadcasts that primarily contain news or news commentary may not be sponsored.

Parties prohibited from sponsoring programmes

Section 9 Programmes in radio broadcasts may not be sponsored by any party whose principal activity is to manufacture or sell alcoholic beverages or alcoholic beverage-like preparations pursuant to the Swedish Alcohol Act (2010:1622), tobacco products or the electronic cigarettes and refill containers referred to in the Swedish Act on Tobacco and Similar Products (2018:2088). Act (2019:354).

Sponsorship by infant formula

Section 9 a If a company that manufactures or sells infant formula sponsors a programme in a radio broadcast, the sponsorship may not promote the use of infant formula but only the company's other products and its image. Act (2013:1056).

Sponsorship by companies providing gambling

Section 9 b A company whose principal activity is to provide gambling and that does not have the necessary licence pursuant to the Swedish Gambling Act (2018:1138) may not sponsor a programme in a radio broadcast. Act (2018:1145).

When a sponsorship message must be broadcast

Section 10 The provider broadcasting a sponsored programme on radio shall state who has contributed to the financing. Such a message shall be presented in an appropriate manner at the beginning and at the end of the programme or on one of these occasions.

The sponsorship message may not contain any promotional elements.

Public-service radio-on-demand

Section 11 The provisions of Sections 8–10 also apply to radio-on-demand financed by the public service fee pursuant to the Swedish Act on the Financing of Public Service Radio and Television (2018:1893). Act (2020:875).

Common provisions

Chapter 16 Review and supervision

Reviews by the Office of the Chancellor of Justice

Section 1 The Office of the Chancellor of Justice monitors by ex-post reviews if programmes that have been broadcast on television or provided by video-on-demand contain depictions of violence or pornographic images in contravention of Chapter 5 Section 2 or content in contravention of Chapter 5 Section 14.

Act (2020:875).

Reviews by the Swedish Broadcasting Commission

Section 2 The Swedish Broadcasting Commission monitors by ex-post reviews if programmes that have been broadcast on television, searchable teletext or radio, or provided by radio-on-demand financed by the public service fee pursuant to the Swedish Act on the Financing of Public Service Radio and Television (2018:1893) or by video-on-demand, comply with this Act and programme-related conditions that apply to those services.

The Commission also supervises compliance with the provisions on accessibility in Chapter 5 Section 12 when the decision has been made by the Government and the provisions of Chapter 9 a Sections 4–9 regarding product placement, sponsorship and commercial advertising.

Broadcasts licensed for retransmission pursuant to Chapter 4 Section 7 shall not be reviewed by the Swedish Broadcasting Commission.

The Commission shall notify the Office of the Chancellor of Justice if it finds that

1. a programme broadcast or supplied contains depictions of violence or pornographic images in contravention of Chapter 5 Section 2, or
2. the content of a broadcast contravenes Chapter 5 Section 14.

Act (2020:875).

Supervision by the Swedish Press and Broadcasting Authority

Section 3 The Swedish Press and Broadcasting Authority supervises broadcasters' compliance with conditions imposed pursuant to Chapter 4 Section 9 points 1–4, 6–9, 16 and 17, Chapter 11 Section 3 second paragraph points 1–3, 5–8, 16 and 17 and Chapter 13 Section 9 and Section 27 first paragraph point 3.

The Swedish Press and Broadcasting Authority also supervises the provisions on

1. exclusive rights in Chapter 5 Section 9,
2. accessibility in Chapter 5 Section 12, when the decision was made by the Authority, and
3. appropriate measures in Chapter 9 a Sections 1, 3 and 13.

Act (2020:875).

Supervision by the Consumer Ombudsman

Section 4 The Consumer Ombudsman supervises compliance with the provision on information in Chapter 2 Section 1. The Consumer Ombudsman also supervises the provisions on commercial advertising in Chapter 8 Section 7 first paragraph, Sections 8 and 9, Section 14 first and second paragraphs, Chapter 9 a Sections 10 and 11 and Chapter 15 Section 4. Act (2020:875).

Supervision by the Swedish Authority for Privacy Protection

Section 4 a The Swedish Authority for Privacy Protection supervises compliance with the provisions of Chapter 5 Section 3 a and Chapter 9 a Section 2 regarding the processing of personal data. Act (2020:875).

Reporting programmes of European origin

Section 5 Television broadcasters shall report to the Swedish Press and Broadcasting Authority the proportion of programming consisting of the programmes referred to in Chapter 5 Section 7 first paragraph.

If special reasons exist, the Swedish Press and Broadcasting Authority may decide on exemptions from this reporting obligation on a case-by-case basis.

The Government or the authority designated by the Government may issue regulations on the reporting. Act (2020:875).

Section 6 Providers of video-on-demand shall report to the Swedish Press and Broadcasting Authority the proportion of the service's catalogue consisting of programmes of European origin and how these programmes have been given prominence pursuant to Chapter 5 Section 8.

The Government or the authority designated by the Government may issue regulations on the reporting. Act (2020:875).

Reporting on how a service has been made accessible

Section 6 a A media service provider shall submit a report detailing how a service has been made accessible in accordance with decisions pursuant to Chapter 5 Section 12 first paragraph. The report shall also include the action plan prepared pursuant to Chapter 5 Section 12 third paragraph.

The Government or the authority designated by the Government may issue regulations on the reporting. Act (2020:875).

Obligation to provide information for satellite television broadcasters

Section 7 At the request of the Swedish Press and Broadcasting Authority, anyone who broadcasts television by means of satellite shall provide information on who owns the company and how the business is financed.

Act (2015:808).

Obligation to provide information for satellite operators

Section 8 At the request of the Swedish Press and Broadcasting Authority, a satellite operator shall provide information on its client, their address, broadcast designation and how satellite transmission is achieved. Act (2015:808).

Obligation to provide information for those engaged in operations requiring a licence

Section 9 At the request of the Swedish Press and Broadcasting Authority or the Consumer Ombudsman, anyone conducting operations subject to a licensing requirement pursuant to this Act shall provide the authorities with the information and documentation necessary to verify that the operations are being conducted in accordance with the Act and with the conditions and regulations issued pursuant to the Act. Act (2015:808).

Obligation to provide information for video-sharing platform providers

Section 9 a At the request of the Swedish Press and Broadcasting Authority, a video-sharing platform provider shall provide the information necessary for supervision. Act (2020:875).

Obligation to provide information in other respects

Section 10 At the request of the Swedish Press and Broadcasting Authority, anyone conducting operations under this Act shall provide the information necessary to assess the amount of the special fee pursuant to Chapter 17 Section 6. Act (2020:875).

Obligation to provide programme recordings

Section 11 Anyone who has recorded a programme pursuant to Chapter 5 Section 3 of the Swedish Act (1991:1559) with regulations in the field of the Freedom of the Press Act and the Fundamental Law on Freedom of Expression shall, at the request of the Swedish Press and Broadcasting Authority or Consumer Ombudsman, provide such a recording to the authority free of charge. Act (2015:808).

Obligation to report for anyone who holds a licence to broadcast commercial radio

Section 12 Anyone who holds a licence to broadcast digital commercial radio shall submit an annual report to the Swedish Press and Broadcasting Authority regarding how the obligations pursuant to Chapter 13 Section 27 first paragraph points 1 and 2 have been fulfilled. Act (2015:808).

Notification of the acquisition of exclusive rights

Section 13 Anyone who has acquired exclusive broadcasting rights to an event referred to in Chapter 5 Section 9 shall immediately inform the Swedish Press and Broadcasting Authority of this. Act (2015:808).

About the Swedish Broadcasting Commission

Section 14 The Swedish Broadcasting Commission consists of a chairperson and six other members. The Government decides how many alternates should be appointed. At least one member or alternate shall be appointed as deputy chairperson. The chairperson and deputy chairperson shall be active or former judges.

No one who is a member of the Riksdag, a minister or an employee of the Government Offices of Sweden is permitted to be a member of the Swedish Broadcasting Commission.

The Swedish Broadcasting Commission has a quorum when the chairperson or one deputy chairperson and three further members are present. Matters that are clearly of no greater significance may however be decided by the chairperson or a deputy chairperson.

If upon deliberation by the Swedish Broadcasting Commission there are diverging opinions, the provisions of Chapter 16 of the Swedish Code of Judicial Procedure shall apply. Act (2020:875).

Cooperation between authorities

Section 15 If a media service directed wholly or mainly at Swedish territory by a provider established in another EEA State contravenes any of the provisions set out in this paragraph, a competent authority in Sweden may contact the competent authority in the other EEA State to request the provider to comply with the provisions in question. This applies to provisions on

1. product placement of alcoholic beverages in Chapter 6 Section 2 point 1,
2. sponsorship by a party whose principal activity is to manufacture or sell alcoholic beverages in Chapter 7 Section 2,
3. commercial advertising and children in Chapter 8 Sections 7 or 8, or
4. alcoholic beverages in Chapter 7 Section 3 first paragraph of the Swedish Alcohol Act (2010:1622).

If the provider fails to comply with the request described in the first paragraph and has established itself in the other EEA State in order to circumvent the stricter regulations that would apply were it established in Sweden, the authority may take action against the provider pursuant to Chapter 16 Section 10 and Chapter 17 Sections 5 and 6 of this Act and Sections 29 and 48 of the Swedish Marketing Act (2008:486). The authority may not, however, take measures before it has informed the European Commission and the relevant Member State and the Commission has established that the measures are in accordance with EU law. *Act (2020:875)*.

Section 16 A competent authority in Sweden shall, on receipt of a reasoned request from a competent authority in another EEA State, request a media service provider under Swedish jurisdiction to comply with regulations in the other EEA State, if

1. the provider broadcasts television or provides video-on-demand that are wholly or mainly directed at the territory of the other EEA State, and
2. it is a matter of a breach of rules of general public interest that goes beyond the provisions of the AVMS Directive as amended by Directive (EU) 2018/1808.

Provisions on the freedom to gather and communicate information and the prohibition of censorship can be found in Chapter 1 Sections 10 and 11 of the Swedish Fundamental Law on Freedom of Expression. *Act (2020:875)*.

Section 17 Has been repealed by *act (2020:875)*.

Chapter 17 Penalties, special fees and conditional fines

Unlicensed broadcasts

Section 1 Anyone who intentionally or negligently broadcasts programmes without a licence when one is required pursuant to this Act is fined or sentenced to imprisonment for a maximum term of six months.

Broadcasting from the high seas

Section 2 Anyone who intentionally or negligently broadcasts from a radio transmitter on the high seas or the airspace above or who establishes or possesses such transmitter is fined or sentenced to imprisonment for a maximum term of six months, if

1. the broadcast is intended to be received or is possible to receive in any country that is a party to the European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories, or
2. the broadcast interferes with the use of radio equipment in any of these countries.

Anyone who has committed such an offence abroad shall, if he or she is here, be sentenced according to this Act and in a Swedish court, even if Chapter 2 Sections 2 or 3 of the Swedish Criminal Code is not applicable and irrespective of that prescribed in Chapter 2 Section 5 a first and second paragraphs of the Swedish Criminal Code.

Only if the Government or the authority designated by the Government has issued authorisation to do so may a prosecution be brought against

1. Swedish citizens, for offences relating to broadcasts that are not intended to be or cannot be received in Sweden and do not interfere with the use of radio equipment here, or
2. aliens, including in cases other than those referred to in Chapter 2 Section 5 of the Swedish Criminal Code.

Sanctions for failing to provide information

Section 3 If a television broadcaster or provider of video-on-demand fails to provide information pursuant to Chapter 2 Section 1, the Swedish Marketing Act (2008:486) shall apply, with the exception of the provisions of Sections 29–36 regarding market disruption fees. Such information shall be deemed to be material pursuant to Section 10 third paragraph of the Swedish Marketing Act. Act (2020:875).

Forfeiture

Section 4 Property used in the commission of a crime pursuant to Section 2 shall be declared forfeited unless it is manifestly unreasonable to do so. The value of such property may be forfeited in lieu of the property. The profits of such a crime shall also be declared forfeited unless this is manifestly unreasonable.

An object used to aid the commission of a crime under this Act, or the value of the object, may be declared forfeited if this is necessary to prevent crime or there are other special reasons to do so.

Liability to pay a special fee

Section 5 Failure to comply with the provisions and conditions set out in this paragraph may result in the imposition of a special fee. This applies to

1. conditions related to advertisements, sponsored programmes and product placement pursuant to Chapter 4 Section 10,
2. provisions on undue commercial prominence pursuant to Chapter 5 Section 5 and Chapter 14 Section 2,
3. provisions on advertisements other than commercial advertising in Chapter 5 Section 6, Chapter 8 Sections 6 and 9, Chapter 14 Section 3 and Chapter 15 Sections 3 and 4,
4. provisions on exclusive broadcasting rights in Chapter 5 Section 9,
5. provisions on product placement in Chapter 6 Sections 1 and 2, Section 3 first paragraph, Section 4 and Chapter 9 a Sections 4 and 5,
6. provisions on sponsorship in Chapter 7 Sections 1–3 and 4–8, Chapter 9 a Sections 6 and 7 and Chapter 15 Sections 8-10,
7. provisions on advertisements in Chapter 8 Sections 1–5, Section 7 second paragraph and Section 10, Chapter 9 a Sections 8 and 9 and Chapter 15 Sections 1 and 2,
8. provisions on virtual advertising and electronic company signs in Chapter 8 Sections 11 and 12, or
9. provisions on commercial advertising in Chapter 8 Section 15.

In considering the matter of whether to impose a special fee, the court shall give particular consideration to the nature, duration and scope of the offence.

Fees accrue to the State. *Act (2020:875)*.

Section 5 a A media service provider that fails to comply with a decision on accessibility pursuant to Chapter 5 Section 12 may be ordered to pay a special fee.

In considering the matter of whether a fee should be imposed, particular consideration shall be given to

1. whether the infraction was due to circumstances that the provider could not foresee or be expected to foresee or that were beyond its control, or
2. what action the provider took to avoid the infraction.

Fees accrue to the State. *Act (2020:875)*.

The amount of the special fee

Section 6 The special fee imposed pursuant to Section 5 or 5 a shall be set at no less than SEK 5,000 and no more than SEK 5 million. However, the fee should not exceed 10 per cent of the annual turnover of the media service provider or video-sharing platform provider in the previous financial year.

In determining the size of the fee, particular consideration shall be given to

the underlying circumstances on which the decision to impose a fee was based, and

the provider's estimated increased revenue or reduced costs as a result of the infraction.

Act (2020:875).

When and to whom the special fee is payable

Section 7 The special fee imposed pursuant to Section 5 or 5 a shall be paid to the Swedish Press and Broadcasting Authority within 30 days of the decision becoming legally binding. Act (2020:875).

Collection of unpaid fees

Section 8 If the special fee is not paid within the period stated in Section 7, the Swedish Press and Broadcasting Authority shall pass on the unpaid fee for collection. Collection shall be made in accordance with the Swedish Act on the Collection of Debts to the State (1993:891). Act (2015:808).

Actions deemed unfair according to the Swedish Marketing Act (2008:486)

Section 9 An act that contravenes Chapter 8 Section 7 first paragraph, Sections 8 and 9, Section 14 first and second paragraphs, Chapter 9 a Sections 10 and 11 and Chapter 15 Section 4 shall be deemed unfair business-to-consumer marketing in the application of Sections 5, 23 and 26 of the Swedish Marketing Act (2008:486).

Any such act may incur a market disruption charge under the provisions of Sections 29–36 of the Swedish Marketing Act.

Act (2020:875).

Publication of the Swedish Broadcasting Commission's decisions

Section 10 When the Swedish Broadcasting Commission has found that a media service provider has breached programme-related conditions imposed pursuant to Chapter 4 Sections 8 and 9, Chapter 11 Section 3 or the provision on corrections in Chapter 5 Section 4 first paragraph, the Commission may decide that the provider shall make the decision public in an appropriate manner. Any such decision shall not however require publication in the provider's programme.

The decision may include an injunction with a conditional fine.

Injunction to comply with provisions

Section 11 In the event of a failure to comply with the provisions listed in this paragraph or decisions reached pursuant to those provisions, the necessary injunction may be issued in an individual case to ensure compliance with the provisions or decisions. A decision to impose an injunction may be accompanied by a conditional fine. This applies to the provisions on

1. obligation to notify (Chapter 2 Sections 2 and 4),
2. warning (Chapter 5 Section 3),
3. licence conditions pursuant to Chapter 4 Section 9 points 1–4, 6–9 and 16, Chapter 11 Section 3 second paragraph points 1–3, 5–8 and 16 and Chapter 13 Section 9 points 1–3,
4. designations (Chapter 5 Section 11 and Chapter 14 Section 7),
5. the obligation to retransmit or provide a channel for local cable broadcasting organisations (Chapter 9 Sections 1–3 and 5),
6. the content of community radio broadcasts (Chapter 14 Section 4),
7. the obligation to provide the Swedish Press and Broadcasting Authority with certain information (Chapter 16 Sections 5–8),
8. the obligation to provide information pursuant to Chapter 16 Section 9,
9. the obligation to provide the Swedish Press and Broadcasting Authority with information pursuant to Chapter 16 Section 10,
10. the obligation to provide recordings pursuant to Chapter 16 Section 11, or

11. the obligation to submit an annual report to the Swedish Press and Broadcasting Authority pursuant to Chapter 16 Section 12.

The injunctions referred to in the first paragraph points 2, 4, 6, 8 or 9 may be imposed by the Swedish Broadcasting Commission. The injunctions referred to in the first paragraph points 1, 3, 5, 7 or 8–11 may be imposed by the Swedish Press and Broadcasting Authority.

The injunctions referred to in the first paragraph points 8 or 10 may also be imposed by the Consumer Ombudsman. *Act (2020:875)*.

Section 11 a The Swedish Press and Broadcasting Authority may decide on the necessary injunctions in an individual case to make a video-sharing platform provider comply with the provisions on appropriate measures in Chapter 9 a Sections 1, 3 and 13 and on providing information pursuant to Chapter 16 Section 9 a. *Act (2020:875)*.

Injunction prohibiting a licence holder from broadcasting community radio

Section 12 The Swedish Press and Broadcasting Authority may issue an injunction prohibiting a licence holder from contravening decisions on broadcast times on community radio reached by the Authority, or allowing a third party to exercise the licence holder's broadcasting rights. Such injunctions may be accompanied by a conditional fine. *Act (2015:808)*.

Injunctions imposed by the Office of the Chancellor of Justice

Section 13 If someone repeatedly broadcasts or provides programmes containing depictions of violence or pornographic images on television at the times or in the manner referred to in Chapter 5 Section 2, the Office of the Chancellor of Justice may order the broadcaster or provider not to broadcast or provide such programmes again at times and in a manner that presents a significant risk that children will see the programmes. A decision to impose an injunction may be accompanied by a conditional fine. *Act (2020:875)*.

Section 13 a If someone repeatedly broadcasts programmes with the content referred to in Chapter 5 Section 14, the Office of the Chancellor of Justice may decide to impose the necessary injunctions in an individual case to ensure compliance with the provision. A decision to impose an injunction may be accompanied by a conditional fine. *Act (2020:875)*.

Injunctions against satellite operators

Section 14 If a party broadcasting by means of satellite is not established in Sweden pursuant to Chapter 1 Section 3 first paragraph points 1 or 4, the Swedish Broadcasting Commission may decide to impose the necessary injunctions against the satellite operator in an individual case to ensure compliance with the provisions and conditions stated in Section 5. A decision to impose an injunction may be accompanied by a conditional fine.

Injunctions pursuant to Sections 11, 13 or 13 a may be imposed on a satellite operator if the provider broadcasting by means of satellite is not established in Sweden pursuant to Chapter 1 Section 3 first paragraph points 1 or 4.

If the satellite operator can show that the provider broadcasting by means of satellite has been granted access to the transmission capability by one of the satellite operator's clients without the satellite operator's consent, an injunction pursuant to the first or second paragraph may instead be imposed on the client. *Act (2020:875)*.

Chapter 18 Revocation of licences

When a licence shall be revoked

Section 1 A licence to broadcast television, searchable teletext or radio shall be revoked at the request of the licence holder. A licence may also be revoked in accordance with Sections 2–5 and 7, or amended in accordance with Sections 2 and 7. Act (2012:702).

Revoking and amending licences to broadcast television, searchable teletext or licences to broadcast radio granted by the Government

Section 2 A licence to broadcast television or searchable teletext or a licence to broadcast radio granted by the Government may be revoked if

1. the licence holder has materially breached Chapter 5 Sections 1, 2, 4–6 and 12, Chapter 6 Section 1, Section 2 points 1–3, Section 3 first paragraph and Section 4, Chapter 7 Sections 1, 2, 3 and 4–8, Chapter 8 Section 1–13 and 14, Chapter 14 Section 1–3 or Chapter 15 Sections 1–5, 6–9 and 10, or
2. a condition attached to the licence pursuant to Chapter 4 Section 8–11 or Chapter 11 Section 3 has been materially breached.

A licence to broadcast television or searchable teletext or a licence to broadcast radio granted by the Government may be amended to cover other frequencies, if

1. changes in radio technology or changes to radio use due to international agreements to which Sweden is a signatory or other regulations adopted pursuant to the Treaty on the Functioning of the European Union entail that a new licence subject to the same conditions cannot be granted, or
2. it is necessary in order to provide capacity for additional broadcasts. Act (2020:875).

Revoking licences to broadcast community radio

Section 3 A licence to broadcast community radio may be revoked if the licence holder

1. no longer meets the requirements of Chapter 12 Section 4, or
2. fails to exercise the right to broadcast community radio for three consecutive months.

A licence to broadcast community radio may also be revoked if a court has found that a programme contained a freedom of expression offence constituting a serious abuse of freedom of expression. In such cases, it is the court that reached the verdict on the freedom of expression offence that decides on the revocation of the licence.

Section 4 When deciding to revoke a licence to broadcast community radio, a period not to exceed one year may be set during which the licence holder may not obtain a new licence.

In cases referred to in Section 3 second paragraph, the court in question may decide that the licence holder may not obtain a new licence within a period not to exceed one year or, if exceptional reasons exist, a period not to exceed five years. This also applies if the licence holder at the time the abuse of freedom expression took place no longer holds a licence to broadcast community radio at the time of the judgment.

The court may decide that the decision should also apply to the period before the judgment becomes legally binding.

Revoking licences to broadcast commercial radio

Section 5 A licence to broadcast commercial radio may be revoked, if

1. the licence holder fails to commence broadcasting operations within six months of the commencement of the licence,
2. the licence holder fails to exercise the right to broadcast, or only broadcasts to a negligible extent, during a continuous period of at least four weeks,
3. the licence holder materially breaches Chapter 14 Section 2 and Chapter 15 Sections 1–4, 8–9 a and 10,
4. a court has found that a programme contained a freedom of expression offence constituting a serious abuse of freedom of expression, or
5. a condition attached to the licence pursuant to Chapter 13 Section 27 first paragraph point 3 has been materially breached.

If a natural or legal person holds more than one licence to broadcast analogue commercial radio within a broadcast area without the permission of the Swedish Press and Broadcasting Authority, and there is reason to assume that this may adversely affect competition, any licences granted after the first licence may be revoked.

If the Swedish Press and Broadcasting Authority has permitted the transfer of a licence despite the licence holder already holding a licence to broadcast analogue commercial radio in the same broadcast area, and there is reason to assume that this may adversely affect competition, the licence may only be revoked if the decision on the transfer was based on incorrect or incomplete information provided by the licence holder. Revocation shall then refer to the licence or licences that have been transferred.

If the State, a region or municipality holds a licence to broadcast commercial radio in the manner stated in Chapter 13 Section 4 second paragraph, the Swedish Press and Broadcasting Authority shall revoke the licence. *Act (2020:875)*.

Revoking the appointment of a local cable broadcasting organisation

Section 6 A local cable broadcasting organisation that fails to conduct any broadcasting operations, or only broadcasts to a negligible extent, during a continuous period of at least three months may have its appointment revoked.

What to consider when revoking or amending a licence

Section 7 A decision to revoke a licence pursuant to Sections 2–4 and Section 5 first and fourth paragraphs may only be taken if, in considering the reasons for the measure, it cannot be deemed to be an unwarranted intervention.

A decision to revoke a licence pursuant to Section 5 second and third paragraphs may only be taken if the measure is proportionate to the possibilities of promoting competition and diversity in the broadcast area.

A decision to amend a licence pursuant to Section 2 second paragraph point 2 may only be taken if the licence holder's rights pursuant to Chapter 4 Section 4 can be exercised. *Act (2017:569)*.

Chapter 19 Procedure for cases regarding revocation, special fees and conditional fines etc.

Who tries cases regarding revocation and amendment of licences

Section 1 Cases involving the revocation of licences due to breaches of the conditions imposed pursuant to Chapter 4 Sections 8, Section 9 and Sections 10–12, Chapter 11 Section 3 first paragraph or second paragraph points 9–12 and breaches of Chapter 5 Sections 1, 2 and 4 or Chapter 14 Section 1 shall be brought before the general courts by the Office of the Chancellor of Justice.

Otherwise, cases involving the revocation of licences are tried by the Swedish Press and Broadcasting Authority.

Cases involving amendments to licences to broadcast television or searchable teletext or radio broadcasting licences granted by the Government are tried by the body that issued the licence. *Act (2015:808)*.

When the matter of revocation may be raised

Section 2 If a licence has been granted by the Government, unless the licence holder has requested that the licence be revoked, the matter of revocation may only be tried after a notification by the Government.

If the licence has been granted by the Swedish Press and Broadcasting Authority, the matter of revocation may be raised

1. at the request of the licence holder,
2. on the initiative of the body that is competent to try the matter, or
3. when the Swedish Broadcasting Commission reports a breach of the provisions contained in this Act or of the conditions attached to the licence that the Commission is tasked with reviewing pursuant to Chapter 16 Section 2.

Aside from at the request of the licence holder, a matter of amending a licence may be raised on the initiative of the body competent to try the matter.

Before reaching a decision on revocation due to a breach of a provision of this Act or of licence conditions that are subject to review by the Swedish Broadcasting Commission pursuant to Chapter 16 Section 2, the Swedish Press and Broadcasting Authority shall request an opinion from the Commission. The licence may only be revoked if the Commission finds that a material breach has been committed. *Act (2015:808)*.

Provisions on the trial

Section 3 For the trial in a case pursuant to Section 1 first paragraph, the provisions regarding court proceedings in freedom of expression cases shall apply. References to the defendant in these provisions shall be applied to the party against whom the action for the revocation of a licence has been brought. The jury shall try the question of whether the licence should be revoked.

The court may decide that the judgement should also apply to the period until the judgement becomes legally binding.

Who tries issues regarding the imposition of special fees, etc.

Section 4 Issues regarding the imposition of special fees pursuant to Chapter 17 Section 5 are tried by the Administrative Court in Stockholm on application by the Swedish Broadcasting Commission.

The issue regarding the imposition of a special fee shall be dropped if the person against whom the action is being brought has not been notified of the action within five years of the infraction ceasing. A decision to impose a special fine lapses if not implemented within five years of the date on which the judgement became legally binding. *Act (2020:875)*.

Section 4 a Issues regarding special fees pursuant to Chapter 17 Section 5 a shall be tried by the Swedish Broadcasting Commission when a decision on accessibility pursuant to Chapter 5 Section 12 has been reached by the Government and in other cases by the Swedish Press and Broadcasting Authority.

A special fee may not be imposed later than five years from the date on which the accessibility measure should have been implemented. A decision to impose a special fine lapses if not implemented within five years of the date on which it became legally binding. *Act (2020:875)*.

Who tries issues regarding the imposition of a conditional fine

Section 5 Issues regarding the imposition of conditional fines ordered by the Office of the Chancellor of Justice pursuant to Chapter 17 Section 13 are tried by the general courts on application by the Office of the Chancellor of Justice. For trials in such cases, the provisions regarding court proceedings in freedom of expression cases shall apply. References to the defendant in these provisions shall be applied to the party against whom the action for the imposition of a conditional fine has been brought. The jury shall try the question of whether the conditional fine should be imposed.

In other cases, the question of imposing conditional fines is tried in accordance with general provisions regarding conditional fines.

Chapter 20 Appeals

Decisions regarding television broadcasts, searchable teletext and community radio

Section 1 Decisions by the Swedish Press and Broadcasting Authority pursuant to this Act may be appealed to the Administrative Court, if they relate to

1. licences to broadcast television, searchable teletext or community radio,
2. the allocation of broadcast time on community radio,
3. amendments to or the revocation of licences, or
4. a refusal to permit the transfer of a licence to broadcast television or searchable teletext.

Unless otherwise provided for, the decisions referred to in the first paragraph enter into force with immediate effect. *Act (2015:808)*.

Decisions regarding commercial radio

Section 2 Decisions by the Swedish Press and Broadcasting Authority regarding commercial radio may be appealed to the Administrative Court, if they relate to

1. the rejection of a licence application,
2. a refusal to permit the transfer of a licence,
3. revoking a licence, or
4. the liability of a partner in a trading partnership for payment pursuant to Chapter 13 Section 16.

Appeals against the decisions referred to in the first paragraph points 1 and 3 shall be expeditiously dealt with.

Unless otherwise provided for, the decisions referred to in the first paragraph points 2 and 3 enter into force with immediate effect. *Act (2015:808)*.

Other decisions that may be appealed

Section 3 The following decisions by the Swedish Press and Broadcasting Authority may be appealed to the Administrative Court:

1. Decisions regarding designations pursuant to Chapter 5 Section 11 and Chapter 14 Section 7.
2. Decisions pursuant to Chapter 5 Section 12 regarding accessibility for persons with disabilities.
3. The appointment of local cable broadcasting organisations pursuant to Chapter 9 Section 5.
4. A decision to revoke an appointment pursuant to Chapter 18 Sections 6.
5. Decisions pursuant to Chapter 9 Section 7 regarding exemptions from the obligation to retransmit and the obligation to provide frequencies for local cable broadcasting organisations.

Unless otherwise provided for, the decisions referred to in the first paragraph points 2 and 3 enter into force with immediate effect. *Act (2015:808)*.

Decisions regarding special fees

Section 3 a Decisions regarding special fees pursuant to Chapter 17 Section 5 a may be appealed to the Administrative Court. *Act (2020:875).*

Imposition of conditional fines

Section 4 Decisions by the Office of the Chancellor of Justice, the Swedish Press and Broadcasting Authority, the Swedish Broadcasting Commission or the Consumer Ombudsman to impose injunctions subject to conditional fines pursuant to Chapter 17 Section 10, Section 11 first paragraph, Sections 12 and 13 a may be appealed to the Administrative Court.

Unless otherwise decided, injunctions pursuant to Chapter 17 Section 10, Section 11 first paragraph points 3, 4, 6 and 8 and Section 12 enter into force immediately.

Act (2020:875).

Leave to appeal to the Administrative Court of Appeal

Section 5 Leave is required to appeal a judgement delivered by the Administrative Court pursuant to Sections 1–4 to the Administrative Court of Appeal.

Decisions that cannot be appealed

Section 6 There is no right of appeal against decisions reached by the Office of the Chancellor of Justice, the Swedish Press and Broadcasting Authority and the Swedish Broadcasting Commission other than those stated in Sections 1–4. *Act (2020:875).*