

## The EU Audiovisual Media Services Directive and its transposition into national law – a comparative study of the 27 Member States

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### Member State: Sweden

#### The Swedish Radio and Television Act

#### Important Notice

This text is an unofficial translation conducted at the University of Luxembourg in the framework of a research project on the transposition of the “**Audiovisual Media Services Directive**” in the Member States of the European Union.

The original legal acts which Member States notified to the European Commission as national execution measures were retrieved from official national databases. In order to focus on the core of the research project, several national legal acts have been shortened to include only those provisions of relevance for the study. Subsequently, the modified acts were translated by a translation agency external to the university.

The translations only serve the purpose of being an information source; there is no guarantee whatsoever that the translations correctly correspond to the original versions of the laws. Therefore, evidently, the texts have no legal value. The original, as well as the translated version of the legal acts, are available at: [www.medialaw.lu](http://www.medialaw.lu), where additional information on the comparative study may be found.

## **Member State: Sweden**

### **The Swedish Radio and Television Act**

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of 17 June 2010

In accordance with a decision by the Swedish Parliament, the following is provided:

#### **General provisions**

##### **Chapter 1**

##### **Scope and application of the Act**

Tenor of the Act

This Act contains provisions regarding television broadcasting, on-demand television, searchable teletext and sound radio programmes as follows.

##### **General provisions**

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

Television broadcasting, on-demand television and searchable teletext

- Licensing requirements (Chapter 4)
- The content of television broadcasting, on-demand television and searchable teletext (Chapter 5)
- Product placement (Chapter 6)
- Sponsorship (Chapter 7)
- Commercials and other advertising etc. (Chapter 8)
- Onward transmissions in cable networks (Chapter 9)

##### **Sound radio programmes**

- Licensing requirements (Chapter 10)
- Licence to broadcast sound radio programmes other than community radio and commercial radio (Chapter 11)

- Licence to broadcast community radio (Chapter 12)
- Licence to broadcast commercial radio (Chapter 13)
- The content of sound radio programmes (Chapter 14)
- Commercials, other advertising and sponsorship (Chapter 15)

### **Joint provisions**

- Auditing and supervision (Chapter 16)
- Punishment, special charges and penalties (Chapter 17)
- Revocation of licence (Chapter 18)
- Hearing of cases relating to revocation, special charges and penalties etc. (Chapter 19)
- Appeals (Chapter 20)

### **Implementation of the AV Directive**

The Act partly implements Directive 89/552/EEC of the European Parliament and of the Council of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (the Audiovisual Media Services Directive), amended by Directive 2007/65/EC of the European Parliament and of the Council, hereinafter referred to as the AV Directive.

### **Television broadcasts and on-demand television**

The Act applies to television broadcasts and on-demand television that can be received in any State which has acceded to the Agreement on the European Economic Area (EEA State), if the provider of the media service

1. is established in Sweden according to the definition in Article 2.3 of the AV Directive,
2. neither fulfils the criterion under 1 nor is established in any other EEA State but makes use of a satellite uplink located in Sweden,
3. does not meet any of the criteria under 1 and 2 but makes use of satellite capacity belonging to Sweden, or
4. does not meet any of the criteria under 1, 2 and 3 but is established in Sweden according to Articles 49–54 of the Treaty on the Functioning of the European Union. Notwithstanding that prescribed in the first paragraph, Chapter 2, Section 3, Chapter 4, Sections 1-7, Section 9, 1–3, 6–9 and 16, and Sections 11–14, and the provisions in Chapters 16–20 shall also apply to anyone under the jurisdiction of another EEA State according to the AV Directive.

For wired transmissions reaching 100 or fewer households, only Chapter 9, Sections 1–4, shall apply and, from the Fundamental Law on Freedom of Expression (part of the Swedish Constitution), only Chapter 1, Sections 2 and 3.

Sound radio programmes via satellite

The Act applies to such broadcasts of sound radio programmes via satellite as can be received in Sweden if the party operating the broadcasting activities is domiciled in Sweden or transmission to satellite takes place from a transmitter in this country.

Exceptions for certain sounds during a television broadcast

Regulations other than Chapter 4, Section 10, 1, on terms governing the ban on broadcasting advertising and Chapter 8, Section 15, on the ban on broadcasting advertising do not apply to sound in a television broadcast if the sound perfectly matches a sound radio broadcast that takes place pursuant to a licence under this Act or for which the broadcaster has registered.

## **Chapter 2**

### **Information and registration**

Information about broadcasters transmitting television and providers of on-demand television  
1.

Broadcasters transmitting television, as well as providers of on-demand television, shall ensure that recipients of their services always have easy access to

1. the name of the supplier of media services,
2. the geographical address at which the supplier is established,
3. particulars of the supplier, including e-mail address and website, and
4. particulars of the competent supervisory authority. Suppliers of on-demand television are also subject to Section 8 of the Swedish Act on Electronic Commerce and Information Society Services (2002:562).

Registration

2.

Anyone operating a broadcasting activity for which no licence is required under this Act or providing on-demand television shall enrol for registration with the Swedish Broadcasting Authority. The same applies to anyone who, for someone else's account, operates broadcasting activities via satellite or leases out satellite capacity (satellite contractor). Registration shall include details of

1. name, company or equivalent,
2. representative of a legal person,
3. postal address, phone number, e-mail address and website, and
4. information about the activity being operated.

Register

3.

The Swedish Broadcasting Authority shall set up a register of those who

1. have registered in accordance with Section 2 and whose operations are covered by this Act, or
2. hold a licence of the type referred to in Chapter 4, Section 3, Chapter 11, Section 1, Chapter 12, Section 1, or Chapter 13, Section 1. The register may be kept with the aid of automatic data processing. It may only contain such information as referred to in Section 2, second paragraph, Chapter 5, Section 11, Chapter 14, Section 7, and Chapter 16, Sections 5–9.

## Chapter 3

### Definitions

1.

In this Act,

1. **advertisements/advertising**: refers to commercials and other communications which, while not commercials, are broadcast by order of someone else and serve to promote a cause or a concept;
2. **split-screen advertising**: transmission of an advertisement simultaneously with another programme;
3. **on-demand television**: a service in which a supplier of media services for information, entertainment or educational purposes provides the general public with television programmes with the aid of electronic communication networks:
  - a) at the request of the user,
  - b) at a time chosen by the user, and
  - c) from a catalogue containing programmes selected by the supplier;
4. **sales programme**: programme in which recipients of the programme are given an opportunity to order goods and services;
5. **commercial radio**: licensable sound radio programmes that:
  - a) do not require a government licence,
  - b) may take place not just for a limited period according to Chapter 11, Section 1, second paragraph, or
  - c) are not local or community radio;
6. **supplier of media services**: the party
  - a) having editorial responsibility for the choice of content in a sound radio or television broadcast, on-demand television or searchable teletext, and
  - b) determining how the content is to be structured;

7. **sound radio broadcast**: a broadcast of sound radio programmes with the aid of electronic communication networks:

- a) provided by a supplier of media services,
- b) aimed at the general public, and
- c) intended to be received with a technical aid;

8. **community radio**: local sound radio programmes for club and association activities and registered faith communities;

9. **community radio association**: an association of several licensees in a service area for joint community radio purposes;

10. **product placement**: the occurrence in a programme of an item, service or trademark, whether for marketing purposes and in return for payment or similar consideration to the supplier of the media service, though not when the item or service is of insignificant value and has been provided free of charge;

11. **broadcaster**: a supplier of media services providing sound radio programmes, television broadcasting or searchable teletext;

12. **programme service**: a combined offering of sound radio or television programmes or searchable teletext broadcast under a generic designation;

13. **commercial**: any form of communication:

- a) broadcast either in return for payment or similar consideration or constituting self-promotional activities, and
- b) aimed, as part of some commercial activity, at marketing goods, services, real property, job opportunities or other commodities;

14. **sponsorship**: contribution made by someone not providing or producing sound radio, television broadcasts, on-demand television or searchable teletext in order to finance these media services or programmes with a view to promoting the contributor's name, trademark, reputation, operations, product or interests;

15. **programme aimed at the general public**: a programme simultaneously accessible to anyone wishing to receive it and without any special request;

16. **searchable teletext**: a programme via an electronic communication network consisting chiefly of text, graphics or stills, with or without sound:

- a) provided by a supplier of media services,
- b) aimed at the general public,
- c) intended to be received with a technical aid, and
- d) allowing the user himself to choose which part of the contents he wishes to enjoy and the time at which this is to take place;

17. **television programme**: programme consisting mainly of moving images with or without sound;

18. **television or TV broadcast**: televised broadcast or transmission of a television programme with the aid of an electronic communication network, where the programme:

- a) is provided by a supplier of media services,

b) is aimed at the general public, and

c) is intended to be received with a technical aid;

19. **virtual advertising:** transmission of communications inserted electronically into television images of fixed objects normally used for advertising, or on the ground where advertising can be physically sited.

## Television broadcasting, on-demand television and searchable teletext

### Chapter 4

#### Licensing requirements

##### Broadcasting space

1.

The government decides what broadcasting space to grant in various parts of the country for such television broadcasting as well as searchable teletext that requires licensing under this Act.

##### When licensing is required

2.

In order to broadcast television and searchable teletext using radio waves, a licence is required under this Act if transmission takes place on the frequencies 87.5– 108 megahertz, 174–240 megahertz or 470–790 megahertz. Regulations concerning a licence to use radio transmitters will be found in the Swedish Electronic Communications Act (2003:389).

##### Who grants licences

3.

The government grants permission to broadcast television and searchable teletext if such broadcasting activities are financed by the radio and television licence fee under the Swedish Act on Financing of Radio and Television in the Service of the Public (1989:41). The Swedish Broadcasting Authority grants licences in other cases.

##### The signification of a licence

4.

A licence to broadcast television and searchable teletext confers the right to simultaneously broadcast in each area the number of programme services referred to in the licence during that part of the day referred to in the licence.

## Who is eligible for a licence

5.

Licences to broadcast television and searchable teletext may only be awarded to a broadcaster who has the financial and technical wherewithal to broadcast throughout the licensing period and who is prepared to collaborate with other licensees on technical issues.

## Factors to be considered when awarding licences

6.

When allocating licences to broadcast television and searchable teletext, particular consideration shall be given to ensuring that it is possible to utilize the broadcasting space

1. for various programme services so that broadcasts will cater for different interests and tastes,
2. for both national as well as local and regional programme services, and
3. by several mutually independent broadcasters.

## Licences limited to retransmission

7.

A licence awarded by the Swedish Broadcasting Authority may confer on a broadcaster the right to only retransmit programmes being aired simultaneously or aired by another broadcaster a short time before. With such a licence the Authority may decide that the provisions in Chapters 5–8 will not be applicable to broadcasts under the licence.

## Licensing conditions

8.

A licence to broadcast television or searchable teletext may be attached to terms and conditions whereby the broadcasting rights are to be exercised impartially and objectively, also bearing in mind that extensive freedom of expression and freedom of information must prevail in television.

9.

A licence to broadcast television or searchable teletext may be attached to terms and conditions regarding an obligation to:

1. broadcast to the entire country or to a certain part of the country,
2. broadcast for a certain minimum time,
3. simultaneously broadcast a certain minimum number of programmes in each area,
4. broadcast searchable teletext to some extent,
5. broadcast programmes whose content has been specially adapted to people with functional impairment,

6. make space for broadcasts authorized under a licence from the government,
7. use a certain transmission technology,
8. cooperate with other licensees on technical issues to promote accessibility and competition,
9. use certain radio transmitters,
10. take into account the particular power and impact of television in terms of the topics and design of programmes and broadcasting slots,
11. broadcast replies/rebuttals,
12. respect the privacy of the individual in broadcasting activities,
13. broadcast a diversified and multifaceted offering of programmes,
14. produce and broadcast programmes regionally,
15. broadcast announcements of importance to the general public free of charge, if so requested by an authority,
16. design broadcasts in such a way that they can be received not just by a limited proportion of the general public within the service area, and
17. draw up a contingency plan for operating on high alert and during peace-time crisis situations, and submit the plan to the government and to the authority stipulated by the government.

10.

A licence to broadcast television or searchable teletext may be attached to a ban on and terms governing the transmission of

1. commercials or other advertising,
2. sponsored programmes, including in cases other than those set out in Chapters 7, Sections 1–3, and
3. programmes featuring product placement.

11.

A licence to broadcast television or searchable teletext may be attached to terms whereby ownership and influence of an enterprise so licensed may not change to more than a limited extent.

Period of validity of the licence

12.

A licence granted by the government to broadcast television and searchable teletext shall apply for a certain length of time to be determined by the government. A licence granted by the Swedish Broadcasting Authority to broadcast television or searchable teletext shall apply for six years. Where there are special reasons, the Authority may decide that a licence is to

apply for a shorter time. The period of validity for the terms of a licence may be shorter than the term of the licence.

#### Exceptions for broadcasts with a licence valid for a limited time

13.

The regulations in Sections 5 and 6 need not be applied if the licence to broadcast television and searchable teletext apply for a limited period of two weeks at most. The Swedish Broadcasting Authority may decide that Chapters 5-8 are not to be applied to broadcasts referred to in the first paragraph.

#### Report on licensing terms

14.

Prior to any decision being taken on a licence, the applicant shall be given an opportunity to study and state his views on the terms which the government or the Swedish Broadcasting Authority intends to attach to the licence. A decision on licensing may not contain any programme-related terms other than those agreed to by the applicant.

#### Transfer of licence

15.

A licence to broadcast television and searchable teletext may be transferred if the Swedish Broadcasting Authority permits. Such permission may only be granted if

1. the acquirer (assignee) meets the prerequisites in Section 5,
2. such transfer does not result in the concentration of owners among those licensed to broadcast television and searchable teletext increasing to more than a limited extent, and
3. such transfer does not result in a material reduction in the diversity of licensable programme services on offer. A transfer not permitted shall be inoperative.

16.

Anyone acquiring a licence assumes the rights and duties of the assignor under this Act. If, in accordance with Chapter 17, Sections 11 and 13, an injunction has been granted against the former owner, the injunction shall also apply to the new owner. When granting permission for the transfer, the Swedish Broadcasting Authority shall notify the new owner of this. If the new owner has not been notified, the injunction shall not apply. Any penalty with which the injunction has been linked shall not apply to the new owner.

#### Fees

17.

The Swedish Broadcasting Authority may levy a fee from anyone applying to the Authority for a licence to broadcast television and searchable teletext or permission for such a licence to

be transferred. The fee shall be equal to the Authority's costs for handling the business involved.

## **Chapter 5**

### **The content of television broadcasting, on-demand television and searchable teletext**

#### General requirements

1.

A supplier of media services providing television broadcasting, on-demand television or searchable teletext shall ensure that his programme activities as a whole are characterized by the fundamental concepts of democratic governance and the principles of the equal value of all people and the freedom and dignity of the individual.

#### Depictions of violence and pornographic images

2.

Programmes in which detailed depictions of violence of a true-to-life nature or featuring pornographic images are televised shall either be preceded by an audible warning or contain a warning indicated continuously in images throughout the entire airtime. Such programmes may not be broadcast for such a length of time and in such a way as to give rise to a substantial risk of children being able to view such programmes unless nevertheless defensible on special grounds.

3.

Programmes provided in on-demand television and containing detailed depictions of violence of a true-to-life nature or pornographic images may not be provided in such a way as to give rise to a substantial risk of children being able to view such programmes unless nevertheless defensible on special grounds.

#### Rectification

4.

Information occurring in a programme broadcast on television or in searchable teletext which is not advertising and which is broadcast in some way other than by wire, shall be rectified once it has been authorized. Information which has occurred in a programme broadcast on television and in searchable teletext which is not advertising and is broadcast by wire should also be rectified, once authorized.

## Unfair commercial promotion

5.

Programmes which are not commercials may not favour commercial interests unfairly. As a result, the programme may not

1. encourage the purchase or rental of goods or services, or contain other self-promoting features, or
2. emphasize a good or a service unduly. Chapters 6 and 7 contain provisions concerning product placement and sponsorship.

## Advertising views and causes

6.

Broadcasts subject to conditions of impartiality may not feature any announcements transmitted on behalf of anyone else and aiming to win support for political or religious views or views on special-interest labour-market issues. The fact that such announcements must be considered to be advertising is made clear in Chapter 3, Section 1.

## Programmes of European origin

7.

Anyone broadcasting television in some way other than by wire shall ensure that the following requirements are met unless there are special grounds for not doing so:

1. More than half of the annual broadcasting time shall be taken up by programmes of European origin.
2. At least ten percent of the annual broadcasting time or at least ten percent of the programme budget shall relate to programmes of European origin made by independent producers. As large a proportion as possible should be made up by programmes completed during the five years immediately preceding. In this Section, broadcasting time shall be regarded as the time when the programmes broadcast feature content other than news, sport, competitions, advertising and sales programmes. Nor shall the calculation of such broadcasting time include text only. Television broadcasting according to the first paragraph shall, unless there are special grounds militating against it, include a substantial degree of Swedish-language programmes, programmes with artist(e)s active in Sweden and works of creators and originators active in Sweden.

8.

Anyone providing on-demand television in some way other than by wire shall promote the making of and access to programmes of European origin in an appropriate and practicable way.

## Exclusive rights to television broadcasting

9.

Anyone broadcasting television and holding the exclusive right to a television broadcast from a Swedish or foreign event of special importance to Swedish society may not, if the broadcaster is televising the event, exploit that right in such a way as to deprive a substantial proportion of the public in Sweden of the possibility of following such an event on television by live coverage or, if there is some objective reason for doing so, with a slight time lag. The events referred to are those such as occur at most once a year and interest the broad general public in Sweden. If the European Commission has explained by means of a notice in the Official Journal of the European Union that an event is of special importance to the society in another EEA State, those broadcasting television and holding the exclusive right to broadcast the event to that State shall not, if they do broadcast the event, exploit that right in such a way as to deprive a substantial proportion of the public in that State of the possibility of viewing the event on free-view television further specified in the notice. If, in order to discharge their duty under the first or second paragraph, anyone offers anyone else the chance to broadcast the event on television, this shall be done on reasonable terms. The government shall issue regulations regarding which events are of special importance to Swedish society.

## Short extracts from events of major general interest

10.

Section 48 a of the Swedish Act on Copyright in Literary and Artistic Works (1960:729) contains provisions concerning the right of broadcasters in an EEA State to use in their general news programmes extracts from those of another broadcaster with sole rights to broadcast television broadcasting from an event of major general interest.

## Broadcasting designation requirement for television programmes and searchable teletext

11.

Anyone broadcasting television or searchable teletext under this Act shall use such a designation for his broadcasts as has been approved by the Swedish Broadcasting Authority. In television broadcasting, the designation shall be indicated at least once every broadcast hour or, if this is not possible, between programmes. In searchable teletext, the designation shall feature continuously.

## Accessibility requirement for people with functional impairment

12.

A supplier of media services providing television broadcasting, on-demand television or searchable teletext in any way other than by wire shall design the service in such a way as to make it accessible to people with functional impairment through subtitling, interpreting, voice-overs or similar technology. This shall be done to whatever extent decided by the government, if the enterprise is financed by radio and television licensing under the Swedish Act on Financing of Radio and Television in the Service of the Public (1989:41) and by the Swedish Broadcasting Authority in other instances. Such a decision shall be valid for a specific length of time. When determining how and to what extent the service is to be made

accessible to people with functional impairment, the provider's financial wherewithal and technical developments in accessibility services shall be taken into consideration.

## **Chapter 6**

### **Product placement**

Prohibition of broadcasting programmes featuring product placement

1.

In television or on-demand television programmes, no product placement may occur, unless otherwise specified in Section 2.

2.

On the terms set out in Sections 3 and 4, suppliers of media services may broadcast films, television series, sports programmes and light-entertainment programmes featuring product placement. However, the first paragraph does not apply to programmes targeting primarily children under twelve, nor programmes featuring product placement of

1. alcoholic drinks and tobacco goods,

2. other products originating from companies whose principal activity is the manufacture or sale of alcoholic drinks or tobacco goods, or

3. prescription drugs and medical treatment available only on prescription.

Requirements for programmes featuring product placement

3.

Programmes featuring product placement may only be broadcast if the programme does not promote commercial interests unfairly according to Chapter 5, Section 5.

Information about product placement

4.

Where product placement occurs in a programme, information to this effect must be given at the beginning and end of the programme, and when the programme resumes after a commercial break. The information must consist solely of neutral information about the occurrence of product placement and about the article or service placed in the programme.

## Chapter 7

### Sponsorship

Programmes that may not be sponsored

1.

Programmes in television broadcasting, searchable teletext or on-demand television dealing mainly with news or containing news commentaries may not be sponsored.

Who may not sponsor programmes

2.

Programmes in television broadcasting, searchable teletext or on-demand television may not be sponsored by anyone whose principal activity is the manufacture or sale of alcoholic drinks or tobacco goods.

Restrictions on drug companies

3.

If a drug company sponsors a programme in television broadcasting, searchable teletext or on-demand television, the sponsorship may promote only the company's name or reputation, not prescription drugs and medical treatment available only on prescription.

When sponsorship announcements have to be made

4.

When a supplier of media services provides a sponsored programme in television broadcasting or on-demand television, the supplier shall state who has contributed to its funding. Such an announcement shall be made at the beginning and end of the programme or on one of these occasions. In searchable teletext, such an announcement shall be made continuously. If only one clearly delimited part of a programme is sponsored, the sponsorship announcement shall be made at the beginning or end of that part. Such an announcement presupposes, however, that the integrity and value of the programme or the entitlements of the rights-holders are not violated.

When sponsorship announcements may be made

5.

In television broadcasting, apart from that flowing from Section 4, sponsorship announcements may be made

1. at the beginning and end of a programme, if an announcement has been made in accordance with Section 4, third paragraph,

2. in sports programmes with lengthy breaks and programmes reproducing performances or events, in breaks for the audience,

3. to coincide with the change-over in a broadcast from one programme service to another,
4. when switching between studio broadcasts and other broadcasts, and
5. in connection with advertising breaks. The first paragraph shall apply only if the sponsorship announcement can be made in such a way as not to violate the integrity and value of the programme or the entitlements of the rights-holders.

6.

In on-demand television, apart from that flowing from Section 4, sponsorship announcements may be made if this can be done without violating the integrity and value of the programme or the entitlements of the rights-holders.

How a sponsorship announcement must be formulated

7.

A sponsorship announcement in television broadcasting, searchable teletext or on-demand television shall include the sponsor's name, logo or some other distinctive mark for the sponsor. The announcement may not contain self-promoting spots.

Split-screen sponsorship announcements

8.

A sponsorship announcement may be made with a split screen in those cases set out in Sections 4–6 if this can be done without violating the integrity and value of the programme or the entitlements of the rights-holders.

## **Chapter 8**

### **Commercials and other advertising etc.**

Advertising time for television broadcasting

1.

Advertising may be broadcast on television for a maximum of twelve minutes an hour according to the clock-hour criterion. Despite that stated in the first paragraph, programme services intended exclusively for sales programmes may be broadcast on television, always provided that the broadcasting time is at least fifteen minutes.

2.

In any specific instance the combined advertising time in a television broadcast may not fall short of one minute after deducting the broadcasting time for the advertising signature according to Section 5.

### Programmes that may not be interrupted by advertising

3.

In television broadcasting, programmes containing religious services or programmes aimed primarily at children under twelve may not be interrupted by advertising. In on-demand television, programmes aimed primarily at children under twelve may not be interrupted by advertising.

### When programmes may be interrupted by advertising

4.

Programmes in television broadcasting other than those referred to in Section 3, first paragraph, may be interrupted by advertising only if, with regard to natural breaks in the programme and the length and nature of the programme, such interruption does not affect the integrity and value of the programmes or violate the entitlements of rights-holders. Subject to the requirements in the first paragraph having been met, broadcasting of programmes, cinematographic works and films produced for television, except television series and documentaries, may be interrupted by advertising once every scheduled period of at least thirty minutes.

### Advertising signature

5.

Every advertisement in television broadcasting and on-demand television shall be preceded and followed by a special signature, clearly differentiating the advertisement from the rest of the content. The signature shall consist of both sound and image. In searchable teletext, sales programmes and in the case of split-screen advertising, the signature shall always be visible. However, it need only be indicated in images. In matters of television broadcasting licensed by the government, the government may grant exceptions from this obligation under the first paragraph and the requirement for the shortest advertising time under Section 2. Such exceptions may also be granted by the Swedish Broadcasting Authority in matters of broadcasting programmes licensed by the Authority. Provisions governing the identification of commercials are found in Section 9 of the Swedish Marketing Practices Act (2008:486).

### Information as to the party in whose interest an advertisement is provided

6.

An advertisement which is not a commercial and which occurs in television broadcasting, searchable teletext or on-demand television shall indicate the party in whose interest it is being aired.

### Commercials and children

7.

The purpose of commercials in television broadcasting, searchable teletext and on-demand television must not be to capture the attention of children under twelve. In television

broadcasting and on-demand television, commercials may not occur immediately before or after a programme or part of a programme targeted primarily at children under twelve.

8.

In commercials in television broadcasting, searchable teletext and on-demand television, no characters or figures may occur who play a prominent role in programmes targeted primarily at children under twelve.

Individuals who may not appear in advertising

9.

Advertising in television broadcasting, searchable teletext and on-demand television must not feature any individuals who play a prominent role in programmes dealing primarily with news and news commentaries.

Split-screen advertising

10.

Split-screen advertising may occur in television broadcasting that comprises uninterrupted live coverage of events. Advertising in the form of split-screen self-promotion may also occur in other television broadcasting. Split-screen advertising may occur in on-demand television. Split-screen advertising must not occur if it violates the integrity and value of programmes or the entitlements of the rights-holders. The first paragraph also applies when retransmitting a television programme in unchanged form.

Virtual advertising

11.

Virtual advertising may occur in sports events in television broadcasting and on-demand television if such advertising

1. is no more prominent than the advertising normally featured in that slot or in no other way has a disruptive effect on the possibility of comprehending the programme, or

2. does not result in the integrity and value of programmes or the entitlements of the rights-holders being violated. Before and after every programme containing virtual advertising, the supplier of media services shall provide appropriate information to the effect that such advertising is featured. This information shall comprise solely neutral information that virtual advertising is featured during the programme. The provisions in Sections 7–9 shall be applied in the case of virtual advertising.

Electronic company signs

12.

In sports and competition programmes in television broadcasting and on-demand television, the name or logo of the company or companies providing the requisite equipment or services

needed to produce information about the results, scores or suchlike may be inserted into television images electronically if the following conditions are satisfied:

1. The company name or logo is displayed for the purpose of supplying the information provided by the company in question.
2. The broadcaster or provider of on-demand television receives no compensation for said display.
3. The company name or logo is not combined with sound and takes up only a small proportion of the picture.
4. The company name or logo is displayed to a reasonable extent.

#### Alcohol and tobacco commercials

13.

Provisions concerning the prohibition of commercials for alcoholic drinks and tobacco goods are found in Chapter 4 of the Swedish Alcohol Act (1994:1738) and Section 14 of the Swedish Tobacco Act (1993:581).

#### Commercials for medicinal products and medical treatment

14.

Commercials for medical treatment available only on prescription may not feature in television broadcasting, searchable teletext and on-demand television. Sales programmes for medicinal products or medical treatments must not be featured in television broadcasting, searchable teletext and on-demand television. Provisions concerning the prohibition of certain kinds of marketing of medicinal products are found in the Swedish Medicinal Products Act (1992:859). It follows from the Medicinal Products Act that the provisions are monitored by the Swedish Medical Products Agency.

#### Advertising ban for local cable transmission organizations

15.

A local cable transmission organization must not broadcast commercials.

#### Exceptions for self-promotion

16.

The provisions in Sections 1, 2, 5, 7–9 and 15 do not apply to advertising that a supplier of media services does for his programme activities.

## Chapter 9

### Onward transmissions in cable networks

#### Duty to retransmit programmes

1.

Anyone owning or in some other way having at their disposition an electronic communication network used for the transmission of television broadcasts to the general public by wire shall, if a significant number of households connected to the network use it as their principal means of receiving television broadcasting, ensure that those residing in connected households are able to receive television broadcasting made under licence from the government that can be received in the area without being conditional on separate payment. This duty shall only apply to television broadcasting for which the broadcasting licence has been linked to a requirement for impartiality and objectivity as well as a requirement for a diverse offering of programmes that must include news. Such a must-carry obligation applies only if the prerequisites for retransmission under the Swedish Act on Copyright in Literary and Artistic Works (1960:729) have been met. Television broadcasting under the first paragraph shall be receivable in a satisfactory manner and without incurring a cost for actual reception. The must-carry obligation under the first paragraph also applies to television broadcasting performed by a licensee in order to fulfil the obligation to broadcast to the entire country or parts of the country, but where the method of transmission does not require a government licence.

#### The number of programme services covered by the must-carry obligation

2.

The must-carry obligation under Section 1 does not cover more than four programme services broadcast simultaneously by a licensee whose activities are financed by the radio and television licence fee under the Swedish Act on Financing of Radio and Television in the Service of the Public (1989:41).

#### Technology to be used for retransmission purposes

3.

In networks where television is broadcast with both analog and digital technology, retransmission shall be done with analog technology by at least two programme services referred to in Section 2 if they are or have been broadcast using analog technology. Retransmission may otherwise take place using digital technology.

#### Exceptions to the must-carry obligation

4.

The must-carry obligation under Section 1, first and second paragraphs, does not cover broadcasts made pursuant to a licence for onward transmission under Chapter 4, Section 7.

#### Broadcasting space for television programmes from local cable transmission organizations

5.

Anyone owning or in some other way having at their disposition an electronic communication network used for the transmission of television broadcasting to the general public by wire and used by at least 100 of the households connected to the network as their principal means of receiving television broadcasting shall, in each municipality where such a network is available to them, provide free of charge a separately determined space for broadcasts of television programmes from one or more local cable transmission organizations authorized by the Swedish Broadcasting Authority.

In networks where television is broadcast with analog and digital technology, the space for broadcasts by a local cable transmission organization shall be provided with both analog and digital transmission technology.

Requirements for local cable transmission organizations

6.

A local cable transmission organization shall be a legal person trained to operate local cable broadcasts who can be assumed to allow various interests and trends of opinion to be expressed in his activities. In its broadcasting, a local cable transmission organization shall strive for the broadest possible freedom of expression and freedom of information. The Swedish Broadcasting Authority's authorization of local cable transmission organizations shall apply for a maximum of three years.

Scope for exceptions

7.

On a case-by-case basis the Swedish Broadcasting Authority may decide to allow exceptions from the obligations under Sections 1–3 and 5 if there are special reasons for doing so.

Sound radio programmes

## **Chapter 10**

### **Licensing requirements**

When a licence is required

1.

In order to broadcast sound radio programmes using radio waves, a licence is required under this Act if

1. broadcasting is done on frequencies under 30 megahertz and under international agreements binding on Sweden is intended for radio broadcasts, or

2. broadcasting is done on the frequencies 87.5–108 megahertz, 174–240 megahertz or 470–790 megahertz.

2.

A licence under Section 1 is not required for broadcasts specially adapted to visually impaired people and taking place for a maximum of four hours a day from radio stations used for broadcasts pursuant to licensing under this Act.

3.

Regulations governing a licence to use radio stations are found in the Swedish Electronic Communications Act (2003:389).

## **Chapter 11**

### **Licence to broadcast sound radio programmes other than local and commercial radio**

Who awards licences

1.

Licences to broadcast sound radio programmes are awarded by the government if such broadcasting activities are financed by the radio and television licence fee under the Swedish Act on Financing of Radio and Television in the Service of the Public (1989:41). The government also grants licences to broadcast sound radio to recipients abroad. The Swedish Broadcasting Authority may give a licence to broadcast for a limited period, of two weeks at most, of sound radio that is not local or commercial radio. The Authority may decide that Chapters 14 and 15 are not to be applied to broadcasts made pursuant to such a licence. Where there are special grounds, the government may grant a licence to broadcast sound radio in local broadcasts that do not meet the requirement for local or commercial radio.

The signification of licensing by the government

2.

A licence to broadcast sound radio programmes entails a right to simultaneously transmit in each area the number of programme services to which the licence pertains at that part of the day or night indicated in the licence.

Licensing terms

3.

A licence to broadcast sound radio programmes other than local and commercial radio may be linked with terms set out in Chapter 4, Sections 8, 10 and 11. A licence may further be linked with conditions concerning a duty to

1. broadcast to the entire country or a certain part of the country,
2. broadcast for a certain minimum time,
3. simultaneously broadcast a minimum number of programmes in each area,
4. make room for broadcasts specially geared to the visually impaired under Chapter 10, Section 2, and design such broadcasts in such a way as to make them accessible to people with functional impairment,
5. make space for broadcasts under government licensing,
6. use a particular transmission technology,
7. cooperate with other licensees on technical issues in order to promote accessibility and competition,
8. use certain radio transmitters,
9. take into account the particular power and impact of sound radio in terms of the topics and design of programmes and broadcasting slots,
10. observe the provision on rectification in Chapter 5, Section 4, first paragraph,
11. broadcast replies/rebuttals,
12. respect the privacy of the individual in broadcasting activities,
13. broadcast a diversified and multifaceted offering of programmes,
14. broadcast and produce programmes regionally,
15. broadcast announcements of importance to the general public free of charge, if so requested by an authority,
16. design broadcasts in such a way that they can be received not just by a limited proportion of the general public within the service area, and
17. draw up a contingency plan for operating on high alert and during peace-time crisis situations, and submit the plan to the government and to the authority stipulated by the government.

Period of validity of the licence

4.

A licence granted by the government to broadcast sound radio programmes shall be valid for a certain length of time to be determined by the government. A licence awarded for a period of at least four years will be extended on unchanged terms by an additional four years if the licensee so wishes and if no later than two years before the end of the licence term the government has given notice that the licence will not be extended or the government wishes to change the terms.

Report on licensing terms

5.

Prior to any decision being taken on a licence, the applicant shall be given an opportunity to study and state his views on the terms which the government or the Swedish Broadcasting Authority intends to attach to the licence. A decision on licensing may not contain any programme-related terms other than those agreed to by the applicant.

## **Chapter 12**

### **Licence to broadcast community radio**

Who awards licences

1.

The Swedish Broadcasting Authority awards licences to broadcast community radio.

Facilities for broadcasting community radio

2.

If so desired by an association eligible for a licence under Section 4 and if technically possible, an option must exist for broadcasting community radio programmes in a municipality. If special grounds exist, more than one community radio programme may be broadcast in the municipality simultaneously.

Service areas

3.

A community radio service area shall include one municipality at most, whereby efforts should be made outside of metropolitan areas to enable broadcasts to be received throughout the whole municipality. The Swedish Broadcasting Authority may decide to have service areas larger than a single municipality if special grounds exist.

Which associations are eligible for a licence

4.

A licence to broadcast community radio can only be issued to the following legal persons, to wit

1. non-profit associations with some link to the service area,

2. registered faith communities and registered organizational parts of registered faith communities with some link to the service area, or

### 3. community radio clubs/associations.

In assessing whether a non-profit association has links to the service area, special account shall be taken of where

1. the association's studio and other operating premises are located,
2. the person responsible for publication and the association's board members reside, and
3. the AGM and board meetings are held.

### Requirements for publishers

5.

A licence to broadcast community radio may only be issued once the association has reported who has been appointed publisher under the Fundamental Law on Freedom of Expression.

### Obstacles to a licence

6.

A licence to broadcast community radio may not be issued to anyone holding a licence to broadcast commercial radio. A broadcasting licence for community radio is not valid if the licensee is given a licence to broadcast commercial radio. The licence to broadcast community radio ceases from the day broadcasts may take place under the licence to broadcast commercial radio.

### Broadcasting times

7.

If the licensees cannot agree on the allocation of airtime, the Swedish Broadcasting Authority shall determine broadcasting times. The same applies if a licensee requests that the Authority fix the broadcasting schedule in full. The licensee deemed to have the greatest interest in broadcasting at a particular time shall be given first option. The Swedish Broadcasting Authority's decision regarding broadcasting time shall apply until such time as a new decision is taken by the Authority or a licensee, or a community radio association notifies the Authority in writing that the licensees have agreed on a different broadcasting time.

8.

The Swedish Broadcasting Authority may decide that a broadcasting time may not be used by anyone else for a maximum period of three months if a holder of a licence to broadcast community radio who has had a conditional fine set under this Act relinquishes broadcasting time or renounces his broadcasting licence. A community radio transmitter may not be used for any other broadcasts for which a licence is required under this Act.

Period of validity of the licence

9.

A licence to broadcast community radio is valid for a certain length of time.

## Chapter 13

### Licence to broadcast commercial radio

Who awards licences

1.

Licences to broadcast commercial radio are issued by the Swedish Broadcasting Authority.

Analog commercial radio

Service areas

2.

The Swedish Broadcasting Authority shall determine the scope of service areas for analog commercial radio with regard to

1. what can feasibly be reached in technical terms from suitably located transmitters,
2. how the scope for receiving broadcasts is affected in other areas, and
3. what are natural areas of local interest.

Such service areas shall be designed so as to be able to issue a large number of licences. Several licences can be issued for the same service area.

3.

A licence to broadcast analog commercial radio entails the right to operate whatever broadcasts can be received with good audibility within the service area indicated in the licence.

Who is eligible for a licence

4.

Licences to broadcast analog commercial radio may only be issued to a natural or legal person with the financial and technical wherewithal to broadcast throughout the licensing period. The State, county councils or local authorities are not allowed to hold a licence to broadcast analog commercial radio, whether directly or indirectly through

1. an enterprise in which one or more such subjects has a share equivalent for them jointly to at least twenty percent of all shares or participating interests or by arrangement has a controlling influence, or

2. an enterprise which according to Chapter 1, Section 4, of the Swedish Act on Presentation of Annual Accounts (1995:1554) is a subsidiary to an enterprise referred to in 1.

5.

No one may hold more than one licence to broadcast analog commercial radio within a service area unless there are special grounds for doing so.

Applications

6.

The Swedish Broadcasting Authority shall announce when a space for broadcasting analog commercial radio becomes free. The Authority shall state the last day for applying for the licence, the first day broadcasts may be operated under the licence and the extent of the service area. An application for a licence to broadcast analog commercial radio shall state the amount which the applicant is willing to pay by way of broadcasting fee. The broadcasting fee shall be given as a once-only sum for the whole of the licensing period. The government or the authority determined by the government shall give notice of regulations governing the application procedure and what an application must include.

Parties' right to be privy to information

7.

In any matter relating to Section 6, the provisions of Section 17 of the Swedish Administrative Procedure Act (1986:223) regarding the right of parties to be privy to information shall not be applied to information that concerns only another applicant.

Who awards licences

8.

A licence to broadcast analog commercial radio shall be issued to the applicant meeting the requirements in Section 4 and having stated the highest broadcasting fee. Where two applicants have stated the same amount, the question of who to award the licence to shall be settled by drawing lots.

Terms

9.

A licence to broadcast analog commercial radio may have terms attached relating to the obligation to

1. broadcast programmes in a certain part of the service area or reaching a certain segment of the population within the area,
2. broadcast for a certain minimum time,
3. use a certain broadcasting technology and collaborate with other licensees on technical issues, and

4. use a certain technique for the recording referred to in Chapter 16, Section 11.

Prior to any decision being taken on a licence, the applicant shall be given an opportunity to study and state his views on the terms which the Swedish Broadcasting Authority intends to attach to the licence.

#### Payment of the broadcasting fee

10.

Any person given a licence to broadcast analog commercial radio shall pay the broadcasting fee set out in the application.

11.

The duty to pay a broadcasting fee commences on the day broadcasting under the licence is allowed to begin.

#### Interest

12.

Interest on the broadcasting fee is payable from the day stated in Section 11. Interest will be charged as set out in Section 6 of the Swedish Interest Act (1975:635).

#### When payment is deemed to have been completed

13.

The broadcasting fee and interest shall be paid by depositing the monies in a separate account as instructed by the Swedish Broadcasting Authority. Payment will be deemed to have been completed on the day the amount has been entered on the account.

#### Execution

14.

The policy concerning the broadcasting fee and interest may be enforced if the fee or the interest remains unpaid and payment is outstanding.

#### Liability for payment and collection

15.

For such fees and interest as mentioned in Section 14, Chapter 12, Section 6, first paragraph, Section 7, Section 12, first paragraph, and Section 13 shall be applied, as well as Chapter 20 of the Swedish Tax Payment Act (1997:483).

#### Part-owners in trading companies

16.

The Swedish Broadcasting Authority decides liability in respect of the broadcasting fee for part-owners in partnerships and trading companies under Chapter 2, Section 20, of the Swedish Partnership and Non-registered Partnership Act (1980:1102). If a decision has been made in accordance with the first paragraph, the stipulations concerning licensees shall apply to liable part-owners and the stipulations concerning the broadcasting fee shall apply to amounts for which part-owners are liable for payment.

Respite for payment of broadcasting fee and interest

17.

If there are special grounds, the Swedish Broadcasting Authority may grant respite for payment of the broadcasting fee and interest.

Transfer of licence

18.

A licence to broadcast analog commercial radio may be transferred if the Swedish Broadcasting Authority gives its consent. Such consent may only be granted if the assignee meets the criteria according to Section 4, second paragraph. If the assignee already holds a licence in the same service area as the licence to which the transfer relates, directly or indirectly through companies in which the assignee has a share corresponding to at least twenty percent of all shares or participating interests, or through an agreement in which he alone has a controlling influence, transfer may be approved only if there are special grounds. A transfer not permitted shall be inoperative.

19.

Anyone acquiring a licence assumes the rights and duties of the assignor under this Act for the period after the decision concerning consent. If, in accordance with Chapter 17, Section 11, 3 or 8, an injunction has been granted against the former owner, the injunction shall also apply to the new owner. When granting permission for the transfer, the Swedish Broadcasting Authority shall notify the new owner of this. If the owner is not notified, the injunction shall not be valid. Any penalty with which the order has been linked shall not apply to the new owner.

If the broadcasting fee has been paid and the licence ceases to be valid

20.

A licensee transferring his licence is not entitled to recover any part of the broadcasting fee already paid. The same applies if a licence

1. is revoked at the request of the licensee under Section 31,
2. ceases to be valid under Section 32 as a result of the licensee being adjudged bankrupt, going into liquidation or deceasing, or
3. being revoked by the Swedish Broadcasting Authority under Chapter 18, Section 5.

21.

The broadcasting fee under this Act is covered by the Swedish Act on Distraint Orders for Securing Payment for Taxes, Customs and Fees (1978:880).

Digital commercial radio

Broadcasting space

22.

The government decides what broadcasting space may be granted in various parts of the country for digital commercial radio.

Who is eligible for a licence

23.

Licences to broadcast digital commercial radio may only be issued to a natural or legal person who

1. has the financial and technical wherewithal to broadcast throughout the licensing period, and

2. is prepared to collaborate with other licensees on technical issues.

Licences may not be given to those specified in Section 4, second paragraph.

Application

24.

The Swedish Broadcasting Authority shall announce when a space for broadcasting digital commercial radio becomes free. The Authority shall state the last day for applying for the licence, the first day broadcasts may be operated under the licence and the extent of the service area. The government or the authority determined by the government shall give notice of regulations governing the application procedure and what an application must include.

Fees

25.

The Swedish Broadcasting Authority may levy a fee from anyone applying to the Authority for a licence to broadcast digital commercial radio or permission for such a licence to be transferred. The fee shall be equal to the Authority's costs for handling the business involved.

Factors to be considered when awarding licences

26.

When allocating licences for digital commercial radio, the Swedish Broadcasting Authority shall bear in mind that it must be possible to utilize the space for such broadcasts

1. for various programme services so that broadcasts will cater for different interests and tastes,
2. for both national as well as local and regional programme services, and
3. by several mutually independent broadcasters.

#### Licensing terms

27.

Apart from the terms set out in Section 9, a licence to broadcast digital commercial radio may have terms and conditions attached regarding a duty to:

1. broadcast a multifaceted offering of programmes,
2. design broadcasts in such a way as to make them accessible to people with functional impairment, and
3. not modify the ownership status and influence in the company holding the licence to more than a limited extent. Prior to any decision being taken on a licence, the applicant shall be given an opportunity to study and state his views on the terms which the Swedish Broadcasting Authority intends to attach to the licence. A decision on licensing may not contain any programme-related terms other than those agreed to by the applicant.

#### Transfer of licence

28.

A licence to broadcast digital commercial radio may be conferred if the Swedish Broadcasting Authority consents. Such consent may only be granted if

1. the assignee meets the prerequisites in Section 23, first paragraph,
2. the transfer does not result in the ownership concentration among those holding a licence to broadcast digital commercial radio increasing to more than a limited extent, and
3. the transfer does not result in a material reduction in the diversity of licensable programme services on offer. A transfer not permitted shall be inoperative.

29.

Anyone acquiring a licence assumes the rights and duties of the assignor under this Act for the period after the decision regarding consent. If, in accordance with Chapter 17, Section 11, 3 or 8, an injunction has been granted against the former owner, the injunction shall also apply to the new owner. At the time of allowing the transfer, the Swedish Broadcasting Authority shall notify the new owner of this. If the new owner has not been notified, the injunction shall not apply. Any penalty to which the injunction has been linked shall not apply to the new holder.

## **Joint provisions**

Period of validity of the licence

30.

A licence to broadcast commercial radio is valid for eight years. Where there are special grounds, the Swedish Broadcasting Authority may decide that a licence is to be valid for a shorter period of time.

Request for revocation of a licence

31.

If a licensee requests that his licence be revoked, the licence shall be deemed to have ceased to be valid on the day such request reaches the Swedish Broadcasting Authority or some later day which the licensee has specified in his request.

Cessation of the licence in the event of bankruptcy, liquidation and death

32.

If a licensee is declared bankrupt or goes into liquidation, his licence shall cease to be valid three months after the decision regarding bankruptcy or liquidation, respectively. If a licensee deceases, the licence shall cease to be valid three months after his death. If a request for consent to transfer the licence has reached the Swedish Broadcasting Authority before the licence has ceased to be valid under the first paragraph, the request shall be considered.

## **Chapter 14**

### **The content of sound radio programmes**

General requirements

1.

Any party broadcasting sound radio programmes with a licence from the government shall ensure that his programme activities as a whole are characterized by the fundamental concepts of democratic governance and the principles of the equal value of all people and the freedom and dignity of the individual.

Unfair commercial promotion

2.

Sound radio programmes which are not commercials may not promote commercial interests unfairly. As a result, such programmes may not

1. encourage the purchase or rental of goods or services or contain other self-promoting features, or
2. emphasize a good or a service unduly.

#### Advertising views and causes

3.

Broadcasts subject to conditions of impartiality may not feature any announcements transmitted on behalf of anyone else and aiming to win support for political or religious views or views in special-interest labour-market issues. The fact that such announcements must be considered to be advertising is made clear in Chapter 3, Section 1.

#### Programme offering in community radio associations

4.

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

1. broadcasts from events of collective interest to the licensees,
2. information, to a limited extent, about the activities of the local authority,
3. details of programmes and programme times as well as other information about community radio operations in that location, and
4. trial broadcasts of programmes made by legal persons authorized to receive a licence to broadcast community radio, for a maximum of three months in each individual case.

#### Warning announcements on commercial radio

5.

Warning announcements of importance to the general public and intended to protect people, property or the environment shall, if so requested by an authority, be broadcast free of charge on commercial radio.

#### Requirement for Swedish programmes in broadcasts made under licence from the government

6.

Unless there are special grounds for not doing so, sound radio programmes being aired under a government licence shall contain a substantial extent of Swedish-language programmes, programmes with artist(e)s active in Sweden and works of creators and originators active in Sweden.

#### Broadcasting designation requirements

7.

Anyone broadcasting sound radio programmes under this Act shall use such a designation for his broadcasts as has been approved by the Swedish Broadcasting Authority. The

designation shall be indicated at least once every broadcasting hour or, if this is not possible, between programmes.

## **Chapter 15**

### **Commercials, other advertising and sponsorship**

#### Advertising signature

1.

Every sound radio broadcast of advertising shall be preceded and followed by a special signature, clearly differentiating the advertisement from the rest of the broadcasts. The government may grant exceptions from this obligation in matters of broadcasting programmes for which the Authority issues licences. Provisions governing the identification of commercials are found in Section 9 of the Swedish Marketing Practices Act (2008:486).

#### Advertising time for sound radio programmes

2.

Advertising in a sound radio broadcast may be transmitted for a maximum of twelve minutes an hour according to the clock-hour criterion. If the broadcasting time does not include an hour according to the clock-hour criterion, advertising may be transmitted for a maximum of fifteen percent of the broadcasting time.

#### Information as to the party in whose interest an advertisement is provided

3.

A commercial which is not advertising and which occurs in sound radio programmes shall indicate the party in whose interest it is being aired.

#### Individuals who must not appear in advertising

4.

In advertising in sound radio programmes, no individuals may occur who play a prominent role in programmes dealing primarily with news and news commentaries.

#### Advertising alcohol and tobacco

5.

Provisions concerning the prohibition of advertising for alcoholic drinks and tobacco goods are found in Chapter 4 of the Swedish Alcohol Act (1994:1738) and Section 14 of the Swedish Tobacco Act (1993:581).

## Advertising medicinal products

6.

Provisions concerning the prohibition of certain kinds of marketing of medicinal products are found in the Swedish Medicinal Products Act (1992:859). It follows from the Medicinal Products Act that the provisions are monitored by the Swedish Medical Products Agency.

## Exceptions for self-promotion

7.

The provisions in this Chapter do not apply to advertising done by the broadcaster for his programme activities.

## Programmes that must not be sponsored

8.

Programmes in sound radio broadcasts dealing mainly with news or containing news commentaries may not be sponsored.

## Who must not sponsor programmes

9.

Programmes in sound radio broadcasts must not be sponsored by anyone whose principal activity is the manufacture or sale of alcoholic drinks or tobacco goods.

## When sponsorship announcements have to be made

10.

Any party broadcasting a sponsored programme in sound radio shall state who has contributed to its funding. Such an announcement shall be made in an appropriate fashion at the beginning and end of the programme or on one of these occasions. Sponsorship announcements may not contain sales-promoting features.

## **Joint provisions**

### **Chapter 16**

#### **Auditing and supervision**

Auditing by the Swedish Chancellor of Justice

1.

By means of post-broadcast auditing, the Swedish Chancellor of Justice monitors whether programmes broadcast on television or provided in on-demand television contain depictions of violence or pornographic images in violation of Chapter 5, Sections 2 or 3.

Auditing by the Swedish Broadcasting Commission

2.

By means of post-broadcast auditing, the Swedish Broadcasting Commission monitors whether programmes broadcast on television or sound radio or provided in on-demand television comply with this Act and the programming-related terms that may apply to such services. The Commission also monitors observance of the provisions governing accessibility in Chapter 5, Section 12, if notice of that decision has been given by the government. Broadcasts made under licence for onward transmission in accordance with Chapter 4, Section 7, shall not be audited by the Swedish Broadcasting Commission. If the Broadcasting Commission finds that a broadcast or service provision contains depictions of violence or pornographic images in violation of Chapter 5, Sections 2 or 3, the Commission shall report this to the Swedish Chancellor of Justice.

Supervision by the Swedish Broadcasting Authority

3.

The Swedish Broadcasting Authority monitors the broadcaster's adherence to whatever terms have been decided on pursuant to Chapter 4, Section 9, 1–4, 6–9, 16 and 17, Chapter 11, Section 3, second paragraph, 1–3, 5–8, 16 and 17, as well as Chapter 13, Section 9, and Section 27, first paragraph, 3. The Broadcasting Authority also monitors compliance with the provisions concerning exclusive rights in Chapter 5, Section 9, and concerning accessibility in Chapter 5, Section 12, if notice of the decision on accessibility has been given by the Authority.

Supervision by the Swedish Consumer Ombudsman

4.

The provisions concerning commercials in Chapter 8, Section 7, first paragraph, Sections 8 and 9, Section 14, first and second paragraphs, and Chapter 15, Section 4, are monitored by the Swedish Consumer Ombudsman.

#### Statement on European productions

5.

Every other year, starting in 2011, anyone broadcasting television in some way other than by wire shall disclose to the Swedish Broadcasting Authority the proportion of his activities made up by such programmes as referred to in Chapter 5, Section 7, first paragraph.

6.

Every fourth year, starting in 2011, anyone providing on-demand television in some way other than by wire shall disclose to the Swedish Broadcasting Authority what has been done to promote the representation of and access to European productions under Chapter 5, Section 8.

#### Duty of disclosure for anyone broadcasting television programmes via satellite

7.

At the request of the Swedish Broadcasting Authority, anyone broadcasting television programmes via satellite shall disclose information as to who owns the enterprise and how its operations are financed.

#### Duty of disclosure for satellite contractors

8.

At the request of the Swedish Broadcasting Authority, a satellite contractor shall disclose information as to who is the principal, his or her address, the designation of the programme service and how transmission via satellite is effected.

#### Duty of disclosure for any party operating licensable activities

9.

At the request of the Swedish Broadcasting Authority or the Consumer Ombudsman, any party operating activities which are licensable under this Act shall relinquish to the authorities such information and documentation as is needed to check that such activities are being operated in accordance with the Act and with the terms and regulations notified under the Act.

#### Duty of disclosure generally

10.

At the request of the Swedish Broadcasting Authority, any party operating activities under this Act shall provide the information needed to enable the Authority's Broadcasting Commission to assess the size of the separate fee according to Chapter 17, Section 6.

#### Obligation to provide recorded programmes

11.

Anyone who, in accordance with Chapter 5, Section 3, of the Swedish Act with Regulations in the Areas of the Freedom of the Press Act and the Freedom of Expression Act (1991:1559) has recorded a programme shall, at the request of the Broadcasting Authority or the Consumer Ombudsman, surrender such a recording to the Authority at no cost.

#### Accountability of the party licensed to broadcast commercial radio

12.

Anyone licensed to broadcast digital commercial radio shall provide the Swedish Broadcasting Authority with an annual account of how the duties referred to in Chapter 13, Section 27, first paragraph, 1 and 2, have been discharged.

#### Notification for anyone who has acquired an exclusive right

13.

Anyone who has acquired the exclusive broadcasting right for such an event as stated in Chapter 5, Section 9, shall immediately notify the Swedish Broadcasting Authority of this.

#### About the Swedish Broadcasting Commission

14.

The Swedish Broadcasting Commission consists of a chairperson and six other members. There are alternates for whatever number of the members is determined by the government. At least one of the members or alternates shall be a vice-chair. The chairperson and vice-chair must be or have been ordinary judges. The Broadcasting Commission is quorate with the chairperson or one vice-chair and a further three members. However, matters of business which are obviously not of major importance or significance in principle may be decided by the chairperson or a vice-chair. If differences of opinion emerge during deliberations on the Swedish Broadcasting Commission, the regulations in Chapter 16 of the Swedish Code of Judicial Procedure shall be applied.

#### Collaboration between authorities

15.

If a television broadcast aimed entirely or mainly at Sweden from a broadcaster established in another EEA State infringes Chapter 6, Section 2, second paragraph, 1 or 2, in respect of product placement of alcoholic drinks, or Chapter 7, Section 2, in respect of programmes not allowed to be sponsored by anyone whose principal operation is to manufacture alcoholic drinks, a competent authority in Sweden may contact a competent authority in the other EEA State in order to exhort the broadcaster to abide by the provision. The same applies if a television programme mentioned in the first paragraph infringes Chapter 8, Sections 7 or 8, or Chapter 4, Section 10, of the Swedish Alcohol Act (1994:1738). If the broadcaster fails to follow the exhortation in the first paragraph, the authority may take action against the broadcaster under Chapter 16, Section 10, Chapter 17, Sections 5 and 6, and Sections 29

and 48 of the Swedish Marketing Practices Act (2008:486) if the broadcaster in question has established a presence in the country with a view to circumventing the more rigorous provisions that would have applied, had he been established in the country whose authority is intervening. The authority may not take such action before it has notified the European Commission and the Member State concerned, and the Commission has ascertained that such action is consistent with Union law.

16.

If another competent authority in another EEA State has lodged a reasoned request, a competent authority in Sweden shall exhort a programme enterprise under Swedish jurisdiction to adhere to the provisions of the other EEA State if

1. the broadcaster provides a television broadcast aimed entirely or mainly at the other EEA State, and

2. it involves the violation of a provision in the interest of the general public which is more far-reaching than the provisions of the AV Directive. Provisions on the freedom of reporting and acquisition and on censorship bans are found in Chapter 1, Sections 2 and 3, of the Fundamental Law on Freedom of Expression.

17.

The government or the authority determined by the government shall give notice of more detailed regulations on collaboration between authorities in accordance with Sections 15 and 16.

## **Chapter 17**

### **Punishment, special charges and penalties**

Broadcasting without a licence

1.

Anyone deliberately or inadvertently broadcasting programmes without a licence, where such is required under this Act, shall be ordered to pay a fine or sentenced to imprisonment for a maximum of six months.

Broadcasting from the high seas

2.

Anyone deliberately or inadvertently broadcasting from a radio installation on the high seas or in the airspace above, or setting up or owning such an installation shall be ordered to pay a fine or sentenced to imprisonment for a maximum of six months if

1. the broadcast is intended to be received or can be received in any country affiliated with the European Agreement for the Prevention of Broadcasts Transmitted from Stations outside National Territories or

2. the broadcast causes the use of radio in any of these countries to be injuriously affected.

Anyone committing such an offence abroad is sentenced, if he or she is in Sweden, in accordance with this Act and by a Swedish court, albeit Chapter 2, Sections 2 or 3, of the Penal Code are not applicable and notwithstanding Chapter 2, Section 5 a, first and second paragraphs, of the Penal Code.

Prosecution may be instituted only by order of the government or the authority appointed by the government against

1. Swedish citizens for offences concerning transmissions which are not intended to be received or cannot be received in Sweden nor cause injurious effects to radio use in Sweden, or

2. foreigners even in cases other than those stated in Chapter 2, Section 5, of the Penal Code.

Breach of the reporting duty

3.

Anyone intentionally or inadvertently failing to fulfil his duty to report in accordance with Chapter 2, Section 2, shall be sentenced to a fine.

Forfeiture

4.

Property used in the commission of offences under Section 2 shall be declared forfeited if it is not manifestly unreasonable. In lieu of the property, its value may be declared forfeited. The gains from such an offence shall also be declared forfeited unless it is obviously unreasonable. An object that has been used as an aid to commit an offence 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 for doing so.

Duty to pay a special charge

5.

Anyone disregarding the provisions and conditions set forth in this Section may be ordered to pay a special charge. This shall apply to:

conditions regarding advertising, sponsored programmes and product placement decided on pursuant to Chapter 4, Section 10;

the provisions regarding unfair promotion of commercial interests pursuant to Chapter

5, Section 5, and Chapter 14, Section 2;

the provisions in respect of advertising other than commercials in Chapter 5, Section 6, Chapter 8, Sections 6 and 9, Chapter 14, Section 3, and Chapter 15, Sections 3 and 4;

the provisions on exclusive rights in Chapter 5, Section 9;

the provisions on product placement in Chapter 6,

the provisions on sponsorship in Chapter 7 and Chapter 15, Sections 8–10;

the provisions on advertising in Chapter 8, Sections 1–5, Section 7, second paragraph, and Section 10, as well as Chapter 15, Sections 1 and 2;

the provisions on virtual advertising and electronic company signs in Chapter 8, Sections 11 and 12, or

the provisions on commercials in Chapter 8, Section 15.

When adjudicating the issue of whether or not to impose a charge, the court shall specifically take into consideration the nature, duration and scope of the infraction.

The fee shall accrue to the State.

The size of the special fee

6.

The special fee shall be set at not less than five thousand and no more than five million Swedish kronor. However, the fee should not exceed ten percent of the annual turnover posted by the supplier of media services during the previous accounting year. When the amount of the fee is set, special regard shall be paid to the circumstances forming the basis for considering the issue of whether a fee should be imposed and also the income which the provider can be estimated to have received by reason of the infraction.

When and to whom the special fee is payable

7.

The special fee shall be payable to the Swedish Broadcasting Authority within thirty days of the ruling becoming legally binding.

Collection of unpaid fees

8.

If the special fee is not paid within the period set out in Section 7, the Swedish Broadcasting Authority shall make a demand for collection of the unpaid fee. Collection shall be made according to the provisions of the Swedish Act on the Collection of Debts to the State etc. (1993:891).

Acts deemed to be improper under the Swedish Marketing Practices Act (2008:486)

9.

An act violating Chapter 8, Section 7, first paragraph, Sections 8 and 9, Section 14, first and second paragraphs, and Chapter 15, Section 4, shall, when applying Sections 5, 23 and 26 of the Swedish Marketing Practices Act (2008:486), be deemed to be improper marketing towards consumers. Such an act may attract a market disruption fee according to the provisions of Sections 29–36 of the Marketing Practices Act.

#### Publication of the Swedish Broadcasting Commission's decision

10.

The Swedish Broadcasting Commission may decide that the supplier of media services shall publicize in a suitable manner the decision of the Commission, when the Commission considers that someone has violated the programming-related conditions decided under Chapter 4, Sections 8 and 9, Chapter 11, Section 3, or the provision concerning rectification in Chapter 5, Section 4, first paragraph. Such decision may not, however, require this to be publicized during the provider's programming. The decision may include an order subject to a conditional fine,

#### Order to comply with provisions

11.

Anyone disregarding the provisions set forth in this Section or the decisions notified pursuant to these provisions may be issued with the orders required on a case-by-case basis to ensure compliance with such provisions. An order may be made subject to a conditional fine. This applies to provisions concerning

1. warning (Chapter 5, Section 2),
2. licensing terms according to Chapter 4, Section 9, 1–4, 6–9 and 16, as well as Chapter 11, Section 3, second paragraph, 1–3, 5–8 and 16,
3. designations (Chapter 5, Section 11, and Chapter 14, Section 7),
4. obligation to design television broadcasting, on-demand television or searchable teletext in such a way as to make programmes accessible to people with functional impairment according to Chapter 5, Section 12, and decisions notified under the provision,
5. the duty to broadcast or the duty to provide channels for local cable transmission organizations (Chapter 9, Sections 1–3 and 5),
6. content of community radio broadcasts (Chapter 14, Section 4),
7. obligation to submit certain information to the Swedish Broadcasting Authority (Chapter 16, Sections 5–8),
8. obligation to submit information in accordance with Chapter 16, Section 9,
9. obligation to submit information to the Swedish Broadcasting Authority in accordance with Chapter 16, Section 10,
10. obligation to provide recordings in accordance with Chapter 16, Section 11, or
11. obligation to provide an annual account for the Swedish Broadcasting Authority in accordance with Chapter 16, Section 12.

Orders pursuant to the first paragraph, 1, 3, 4, 6, 8 or 9, may be decided by the Swedish Broadcasting Commission. Orders pursuant to the first paragraph, 2, 4, 5, 7, 8, 10 or 11, may be decided by the Swedish Broadcasting Authority. Orders pursuant to the first paragraph, 8 or 10, may also be decided by the Swedish Consumer Ombudsman.

Order prohibiting a person with a licence to broadcast community radio

12.

In the form of an injunction, the Swedish Broadcasting Authority may prohibit a licensee from contravening decisions concerning community radio broadcasting times made by the Authority or from letting someone else make use of the licensee's right to broadcast in lieu of him or her. The injunction may be made subject to a conditional fine.

Injunction for a person broadcasting depictions of violence or pornographic images

13.

If someone repeatedly broadcasts depictions of violence or pornographic images on television at times and in a manner referred to in Chapter 5, Section 2, the Swedish Chancellor of Justice may order him not to broadcast such programmes again at times and in such a manner that there is a significant risk of children seeing such programmes. The same applies if someone repeatedly provides on-demand television in the manner referred to in Chapter 5, Section 3. The injunction may be subject to a conditional fine.

Injunction for satellite contractors

14.

If a person transmitting via satellite has not established a presence in Sweden under Chapter 1, Section 3, first paragraph, 1 or 4, the Swedish Broadcasting Commission may issue whatever orders are required on a case-by-case basis to ensure compliance with the provisions and conditions stated in Section 5. Such injunctions may be made subject to a conditional fine. The order under Section 11 or 13 may be directed at the satellite contractor if the person transmitting via the satellite is not established in Sweden in accordance with Chapter 1, Section 3, first paragraph, 1 or 4. If the satellite contractor demonstrates that the person transmitting via satellite has obtained access to the transmission facility by reason of permission from one of the satellite contractor's principals without the satellite contractor having given his approval, an order under the first or second paragraph may be directed at the principal instead.

## Chapter 18

### Revocation of licence

When a licence has to be revoked

1.

A licence to broadcast television, searchable teletext or sound radio programmes shall be revoked at the request of the licensee. A licence may also be revoked under Sections 2–5 and 7 or amended according to Sections 2 and 7.

Revocation and amendment of a licence to broadcast television, searchable teletext or a licence issued by the government to broadcast sound radio programmes

2.

A licence to broadcast television or searchable teletext or a licence issued by the government to broadcast sound radio programmes may be revoked if

1. the licensee has materially breached Chapter 5, Sections 1, 2, 4–6 and 12, Chapter 6, Chapter 7, Chapter 8, Sections 1–14, Chapter 14, Sections 1–3, or Chapter 15, or

2. a term subject to which the licence was issued pursuant to Chapter 4, Sections 8–11, or Chapter 11, Section 3, has been disregarded in a material manner. A licence to broadcast television or searchable teletext or a licence granted by the government to broadcast sound radio programmes may be amended to make reference to other broadcasting space if

1. changes in radio engineering or changes in radio use due to international agreements acceded to by Sweden or provisions accepted pursuant to the Treaty on the Functioning of the European Union will result in a new licence not being able to be approved on the same terms, or

2. it is necessary to make space for additional broadcasts.

Revocation of a licence to broadcast community radio

3.

A licence to broadcast community radio may be revoked if the licensee

1. no longer meets the requirements under Chapter 12, Section 4, or

2. has not utilized the right to broadcast community radio for three consecutive months.

A licence to broadcast community radio may also be recalled if a court finds that a programme constituted an offence against the freedom of expression involving serious abuse of the freedom of expression. The court which made the decision on the offence against the freedom of expression rules on revocation of the licence in such cases.

4.

A decision concerning revocation of a licence to broadcast community radio may include the determination of a period of one year at most within which the licensee may not obtain a new licence. In cases referred to in Section 3, second paragraph, the court may decide that the licensee may not obtain a new licence within a period of at most one year or, if there are

exceptional reasons, at most five years. This also applies if the person who held the licence when the freedom-of-expression offence was committed did not have a licence to broadcast community radio at the time of the judgement. The court may order the decision to apply during the period before the judgement becomes legally binding as well.

#### Revocation of a licence to broadcast commercial radio

5.

A licence to broadcast commercial radio may be revoked if

1. the licensee has not initiated broadcasting activities within six months of the licence beginning,
2. the licensee has not utilized the right to broadcast or has broadcast only to an insignificant extent during a continuous period of at least four weeks,
3. the licensee has materially breached any of Chapter 14, Section 2, and Chapter 15, Sections 1–4 and 8–10, or
4. a court has found that a programme constituted an offence against the freedom of expression involving serious abuse of the freedom of expression. If a natural or legal person, without the permission of the Swedish Broadcasting Authority, holds more than one licence for analog commercial radio in a service area, directly or indirectly through companies in which the assignee has a share equal to at least twenty percent of all shares or participating interests, or by virtue of an agreement has a controlling influence alone, the licence or licences issued after the first licence may be revoked. If the Swedish Broadcasting Authority has consented to a transfer despite the licensee already having a licence to broadcast analog commercial radio in the same service area, directly or indirectly through companies in which the licensee has a share equal to at least twenty percent of all shares or participating interests, or by virtue of an agreement has a controlling influence alone, the licence may be revoked only if the decision concerning transfer was based on erroneous or incomplete information given by the licensee, in which case such revocation shall pertain to the licence(s) transferred. If the state, county councils or local authorities hold a licence to broadcast commercial radio in the manner set out in Chapter 13, Section 4, second paragraph, the Swedish Broadcasting Authority shall revoke the licence.

#### Revocation of appointment as a local cable transmission organization

6.

An appointment as a local cable transmission organization may be recalled if some broadcasting activities have failed to materialize or if such activities have materialized only to an insignificant extent during a consecutive period of at least three months.

#### Factors to be considered when revoking or amending a licence

7.

The decision to revoke a licence under Sections 2–5 may only be taken if such action does not appear to be overly extreme, considering the reasons for such action. The decision to

amend a licence under Section 2, second paragraph, 2, may only be taken if the licensee's rights under Chapter 4, Section 4, can be safeguarded.

## **Chapter 19**

### **Hearing of cases relating to revocation, special charges and penalties etc.**

Who considers cases relating to revocation and amendment of licences

1.

Cases concerning revocation of licences by reason of contravention of terms imposed pursuant to Chapter 4, Section 8, Section 9, 10–12, Chapter 11, Section 3, first or second paragraph, 9–12, and concerning contravention of Chapter 5, Sections 1, 2 and 4, or Chapter 14, Section 1, shall on the application of the Swedish Chancellor of Justice be dealt with by a general court. In other cases, matters concerning revocation of licences shall be dealt with by the Swedish Broadcasting Authority. Matters relating to an amendment to a licence to broadcast television or searchable teletext or a licence awarded by the government to broadcast sound radio programmes are dealt with by the party which awarded the licence.

When an issue concerning revocation may be raised

2.

If the licence has been granted by the government, an issue concerning revocation may not be raised until after notification by the government unless the licensee himself has requested that the licence be revoked. If the licence has been granted by the Swedish Broadcasting Authority, an issue concerning revocation may be raised

1. at the request of the licensee,

2. on the initiative of the actual person competent to deal with the issue, or

3. after notification by the Swedish Broadcasting Commission by reason of contravention of a provision in this Act or of licensing terms subject to scrutiny and audit by the Commission in accordance with Chapter 16, Section 2.

As well as at the request of the licensee, an issue concerning an amendment to a licence may be raised on the initiative of the actual person competent to deal with the issue. Before the Swedish Broadcasting Authority makes any decision in a matter relating to revocation by reason of contravention of a provision in this Act or licensing terms subject to scrutiny and audit by the Swedish Broadcasting Commission in accordance with Chapter 16, Section 2, the Authority shall request a statement from the Commission. The licence may only be revoked if the Commission deems the contravention to be material.

## Provisions concerning judicial proceedings

3.

The provisions governing freedom-of-expression cases shall apply to judicial proceedings in cases under Section 1, first paragraph. The tenor of these provisions pertaining to the accused shall apply to the person against whom the application for revocation is directed. The jury's consideration shall relate to the issue of whether the licence should be revoked. The court may order that the judgement shall also apply to the period pending the judgement becoming legally binding.

## Who deals with issues concerning imposition of special charges etc.

4.

Issues concerning the imposition of special charges are considered by the Stockholm Administrative Court on application of the Swedish Broadcasting Commission. Issues concerning the imposition of special charges shall lapse if the person against whom the action is directed has not been served with the application within five years from the time the infraction ceased. A decision concerning fees ceases to apply if the decision has not been enforced within five years of the date when the judgement became legally binding.

## Who considers issues concerning imposition of penalties

5.

Issues concerning the imposition of penalties awarded by the Swedish Chancellor of Justice in accordance with Chapter 17, Section 13, are considered by a general court at the suit of the Swedish Chancellor of Justice. In judicial proceedings for such cases, the provisions governing freedom-of-expression cases apply. The tenor of these provisions pertaining to the accused shall apply to the person against whom the imposition of the penalty is directed. The jury's consideration shall relate to the issue of whether the penalty should be imposed or dismissed. Issues concerning the imposition of a penalty in other instances are considered in accordance with the stipulations generally in force concerning penalties.

## **Chapter 20**

### **Appeals**

#### Decisions concerning television broadcasting, searchable teletext and community radio

1.

Decisions under this Act by the Swedish Broadcasting Authority may be appealed at a general administrative court, where they pertain to

1. a licence to broadcast television, searchable teletext or community radio,
2. the allocation of broadcasting time on community radio,

3. a change or revocation of licence, or
4. a decision not to approve the transfer of a licence to broadcast or searchable teletext.

Decisions referred to in the first paragraph apply immediately, unless determined otherwise.

#### Decisions concerning commercial radio

2.

Decisions of the Swedish Broadcasting Authority concerning commercial radio may be appealed at a general administrative court if they concern a decision

1. to reject an application for a licence,
2. not to approve the transfer of a licence,
3. to revoke a licence, and
4. that a part-owner in a partnership shall be deemed liable to pay under Chapter 13, Section 16.

Cases concerning appeals against decisions referred to in the first paragraph, 1 and 3, shall be expedited promptly.

Decisions referred to in the first paragraph, 2 and 3, apply immediately, unless determined otherwise.

#### Other decisions that may be appealed

3.

The following decisions by the Swedish Broadcasting Authority may be appealed to a general administrative court:

1. decisions concerning designations under Chapter 5, Section 11, and Chapter 14, Section 7,
2. decisions under Chapter 5, Section 12, on accessibility for people with functional impairment,
3. appointment of local cable transmission organizations under Chapter 9, Section 5,
4. decisions concerning revocation of an appointment under Chapter 18, Section 6, and
5. decisions under Chapter 9, Section 7, concerning exceptions from the duty to broadcast and the obligation to provide broadcasting space for local cable transmission organizations.

Decisions set out in the first paragraph, 2 and 3, apply immediately, unless otherwise determined.

#### Conditional fine orders

4.

Decisions by the Swedish Broadcasting Authority, the Broadcasting Commission or the Consumer Ombudsman concerning orders subject to conditional fines under Chapter 17,

Section 10, Section 11, first paragraph, and Section 12, may be appealed to a general administrative court.

Orders under Chapter 17, Section 10, Section 11, first paragraph, 2, 3, 6 and 8, and Section 12, apply immediately, unless otherwise determined.

Leave to appeal at the Administrative Court of Appeal

5.

An order granting leave to appeal is required when appealing to an administrative court of appeal against decisions issued by a general administrative court under Sections 1–4.

Non-appealable decisions

6.

Decisions by the Swedish Broadcasting Authority and the Broadcasting Commission other than those set out in Sections 1–4 may not be appealed.

1. This Act enters into force on 1 August 2010.

2. This Act repeals the Swedish Radio and Television Act (1996:844) and the Act on Concession Fees for Television and Radio (1992:72).

3. A licence to broadcast television and sound radio awarded pursuant to the Swedish Radio and Television Act (1996:844) shall also apply henceforth.

4. Anyone having obtained a licence to broadcast television programmes pursuant to the Swedish Radio and Television Act (1996:844) also has the right to broadcast searchable teletext to a reasonable extent for the remainder of the licensing period.

5. The provisions of Chapter 6 apply to the provision of programmes produced after 1 August 2010.

6. Anyone holding a broadcasting licence as of 1 August 2010 which has been extended pursuant to the Swedish Act on Temporary Regulations to Broadcast Community radio (2008:418) has the right, without making a special application, to continue operating broadcasts within the service area referred to by the licence until 1 August 2018. Such licences shall be subject only to terms under Chapter 13, Section 9, first paragraph.

7. Anyone broadcasting commercial radio and covered by the sixth point, shall pay a fee

a) according to Sections 15–17 of the rescinded Swedish Community radio Act (1993:120) if the licence was originally awarded prior to 1 July 2001, or

b) according to Section 4 b of the Swedish Act on Concession Fees for Television and Radio (1992:72) if the licence was originally awarded after 1 July 2001.

8. Student clubs or societies at universities and colleges which have been given a licence to broadcast community radio under older regulations shall continue to be deemed to have received their licence pursuant to Chapter 12, Section 4, first paragraph, 1. The licence shall not apply for a certain period of time, however.