

*The Radio and
Television Act
(1996:844)*

Including amendments up to and including SFS 2006:797

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Chapter 1. Scope of the Act

Section 1

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

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

Section 2

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

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

A person or entity that, following establishment in Sweden, establishes operations in another EEA State with the aim of circumventing Swedish legislation is to be considered established in Sweden for the purposes of this Act if operations are primarily directed to Sweden. (Act 1998:1713).

Section 3

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

Section 4

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

Section 5

Provisions other than Chapter 3, Section 3, first paragraph, subsection 1 regarding conditions for the prohibition of the broadcasting of advertising and Chapter 7, Section 11, regarding the prohibition of the broadcasting of advertising do not apply to the sound in a TV broadcast if the sound fully corresponds to a sound-radio broadcast conducted under a licence granted in accordance with this Act, or for which the broadcaster is registered. (Act 2001:272).

Section 6

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

Chapter 2. Licences and registration

Section 1

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

A licence is not required for teletext broadcasts which may be selected by the viewer from radio transmitters used for other transmissions licensed under this Act. This also applies to broadcasts specially designed for persons with impaired sight or hearing which take place from such a transmitter for not more than four hours a day.

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

Section 2

Licences to broadcast television programmes and licences to broadcast sound radio programmes throughout Sweden or to other countries are issued by the Government. The Government also issues licences for local digital sound radio broadcasting.

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

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

In addition, the Radio and TV Authority may issue licences for a limited period of not more than two weeks for the broadcasting of television or sound radio programmes which are not community or local radio. The Authority may stipulate conditions in accordance with Chapter 3, Sections 1–3, for such a licence, and decide that the provisions of Chapters 6 and 7 shall not apply to broadcasts covered by a licence of this nature.

If there are special reasons, the Government may issue licences for local sound radio broadcasts which do not fulfil the requirements for community or local radio. (Act 2001:272).

Section 3

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

The following must be stated in the application:

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

Section 4

The Radio and TV Authority is to prepare a register of licence-holders as referred to in Section 2, or applicants for licences in accordance with Section 3. This register may be maintained by electronic means, and may only contain information stipulated in Section 3, second paragraph, Chapter 6, Section 9, and Chapter 9, Sections 4–7. (Act 2001:272).

Chapter 3. Broadcasts licensed by the Government

Section 1

Broadcasting licences issued by the Government may be subject to conditions stipulating that the right to broadcast must be exercised objectively and impartially, taking into account that sound radio and television broadcasting must be characterised by extensive freedom of expression and freedom of information.

In addition, a broadcasting licence may be subject to conditions stipulated in Sections 2–4. (Act 2001:272).

Section 2

Conditions for a broadcasting licence may also include an obligation to:

1. broadcast the programme throughout Sweden or to a certain part of the country,
2. broadcast for a certain minimum time,
3. simultaneously broadcast a certain minimum number of programmes in each area,
4. provide scope for broadcasts which are especially designed for persons with impaired sight or hearing in accordance with Chapter 2, Section 1, second paragraph,
5. design broadcasts in a manner that makes them accessible to persons with functional impairments,
6. provide scope for broadcasts based on licences issued by the Government,
7. utilise a specific transmission technology, and to cooperate with other licence-holders in technical matters,
8. utilise certain radio transmitters,
9. take into consideration the special impact of sound radio and television broadcasting as regards programme content and design, and the time at which the programme is broadcast,
10. comply with the provisions of Chapter 6, section 3, first paragraph also in the case of corrections/rectifications for sound broadcasting,
11. broadcast replies,
12. respect the individual's private life in the programme services,
13. broadcast a diversified range of programmes,
14. broadcast and produce programmes on a regional basis,
15. broadcast announcements which are of importance for the general public, without charge, if requested by a public authority,
16. design the transmissions in a manner that ensures that they cannot only be received by a limited section of the general public in the transmission area and
17. prepare a contingency plan for operations during a high-level alert and in conjunction with

serious pressures on the community in peacetime and submit the plan to the Government and to a public authority decided by the Government. (Act 2006:797).

Section 3

Conditions for broadcasting licences may also include a prohibition on the broadcasting of:

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

A broadcasting licence may also be subject to conditions that prohibit discrimination against advertisers. (Act 1998:1713).

Section 4

Conditions for broadcasting licences may entail that the ownership structure and influence within an undertaking which receives a licence may only change to a limited extent. (Act 1984:1713).

Section 5

A licence issued by the Government may be restricted to the right to re-transmit programmes that are broadcast simultaneously by a third party, or to transmit programmes a short time after being broadcast by a third party. A decision of this nature may stipulate that the provisions of Chapter 6 and Chapter 7 do not apply to broadcasts made under the licence.

Section 6

A licence issued by the Government entails the right to simultaneously broadcast the number of programmes in each area during the time of day specified in the licence.

Section 7

A licence issued by the Government applies for a specific period of time.

A licence issued for a period of at least four years is extended by a further period of four years on the same conditions if the licence-holder wishes and the Government has not stated within two years of expiry of the licence period that the licence will not be extended, or that the Government desires to change the conditions.

Section 8

Before the Government announces a decision regarding a licence, the applicant is to be given an opportunity to study and express an opinion concerning the conditions that the Government intends to apply to the licence. Decisions regarding broadcasting licenses may only contain conditions accepted by the applicant.

Chapter 4. Community radio

Section 1

”Community radio” is defined as local sound radio broadcasts for voluntary associations.

Section 2

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

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

Section 3

The Radio and TV Authority decides who is entitled to broadcast community radio.

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

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

Section 4

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

1. non-profit-making associations with a link to the transmission area,
2. parishes and religious bodies within the Church of Sweden,
3. obligatory associations of students at universities and university colleges,
4. associations of several licence-holders in a reception area for joint community radio purposes (community radio associations).

When making an assessment of whether a non-profit-making association has a link to the transmission area, special consideration shall be given to where

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

Section 5

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

Section 6

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

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

Section 7

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

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

Chapter 5. Local radio

Section 1

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

Section 2

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

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

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

Section 3

When a frequency becomes available in a given area, the Radio and TV Authority is to announce this publicly. This announcement must state the extent of the transmission area, the final application date and the earliest date when broadcasts may be made under the licence. (Act 2001:272).

Section 4

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

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

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

Section 5

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

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

Section 6

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

Section 7

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

Section 8

If there are two or more applicants for a vacant frequency, the Radio and TV Authority is to endeavour to achieve an allocation of the frequency which ensures that the content of the broadcasts is largely produced by the applicant and there are programmes with local links.

In addition, the Authority is to endeavour to counter the establishment of a dominant position in the publication of news or the shaping of public opinion, and to ensure that opportunities for achieving a diverse range of views are utilised. In this connection, it should be considered whether the applicant:

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

In the allocation process, the Radio and TV Authority must also take into account the applicant's financial and technical prerequisites for conducting long-term operations with satisfactory capacity and quality.

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

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

Section 9

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

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

Section 10

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

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

Section 11

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

1. limit changes in the ownership structure and influence in the company,
2. broadcast a specific proportion of content produced by the applicant, and
3. broadcast a specific proportion of programmes with local links.

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

Section 12

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

Section 13

If a licence-holder requests extension of the broadcasting permit within six months of expiry of the licence period, the licence is to be extended by a further licence period, providing that:

1. there are no grounds for revoking the licence in accordance with Chapter 11,
2. the licence-holder has not significantly contravened the conditions to which the broadcasting licence was made subject in accordance with Section 10 or 11,

3. the licence-holder has not significantly contravened the provision in Chapter 6, Section 7a, regarding the production of contents by the licence-holder, and there are no special reasons for extending the licence.

In addition, a licence is not to be extended if a new licence would not be issued on the same conditions due to changes in the technology or in the use of radio frequencies under international agreements to which Sweden is a signatory.

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

For the purposes of this provision, a person or entity whose transmission area has only been subject to changes which mean that the transmission area may be considered to be substantially unchanged after a change in definition in accordance with Section 14 is also to be regarded as a licence-holder. (Act 2001:272).

Section 14

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

A decision regarding a change in the definition of the transmission area may not be taken later than six months prior to expiry of the licence period.

The Radio and TV Authority must announce a special decision, not later than six months prior to the end of the current licence period, regarding who is considered to be a licenceholder for each transmission area covered by the new definition. If no party can be regarded as a licenceholder, an announcement must be made that the licence for the transmission area is vacant. This announcement may not be made until the decision has entered into force. (Act 2001:272).

Section 15

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

Section 16

A licence may be transferred if this is approved by the Radio and TV Authority. Permission of this nature is not to be granted if:

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

Furthermore, a transfer is not to be permitted if this results in a tangible reduction in the diversity of media offerings in the transmission area.

If there are special reasons, the Radio and TV Authority may permit a transfer, even if the acquirer already has a licence in the transmission area.

A transfer cannot be implemented without the Authority's approval. (Act 2001:272).

Section 17

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

If the previous licence-holder is subject to an order under Chapter 10, Section 9, subsections 1, 2, 9 and 10, the order also applies to the new licence-holder. The Radio and TV Authority must notify the new licence-holder of this in connection with approval of the transfer. If this is not notified, the order does not apply to the new licence-holder. (Act 2001:272).

Section 18

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

Section 19

If a licence-holder is declared bankrupt or goes into liquidation, the licence ceases to apply. (Act 2001:272).

Section 20

If a licence-holder dies, the licence ceases to apply three months after the date of death. If the Radio and TV Authority receives an application for permission for transfer of the licence before the licence has ceased to apply, the application is to be considered under Section 16. (Act 2001:272).

Chapter 6. The content of broadcasts, etc.

Section 1

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

Section 2

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

Section 3

Information in a television programme which is not advertising and which is transmitted by a means other than by cable, is to be corrected/rectified where this is justified.

Information which has occurred in a television programme which is not advertising and which is transmitted by cable, should also be corrected/rectified if justified.

Section 4

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

Section 5

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

Chapter 7, Section 1 indicates that such information is to be regarded as advertising.

Section 6

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

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

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

Section 7

A community radio association's range of programmes may only include:

1. broadcasts from events of common interest to the licence-holder's members,
2. a limited amount of information concerning municipal activities;
3. information regarding programmes and programme times, and other information regarding community radio activities in the district, and
4. test transmissions of programmes produced by legal entities entitled to receive a licence to broadcast community radio, for a period of not more than three months in each individual case.

Section 7a

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

Section 7b

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

Section 8

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

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

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

Television broadcasts in accordance with the first paragraph, and sound radio broadcasts which take place under a licence issued by the Government, are to contain a considerable proportion of programmes in the Swedish language, programmes with Swedish artists, and works by Swedish authors, unless there are special reasons to the contrary. (Act 2004:147).

Section 9

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

Section 10

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

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

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

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

Chapter 7. Commercial advertising and other advertising

Section 1

A special signature that clearly distinguishes advertisements from other broadcasts must be broadcast before and after each advertising period. The signature on television must consist of both sound and vision. On teletext and sales programmes, as referred to in Section 5, fourth paragraph, the signature must always be displayed in visual format.

In the case of broadcasts for which the Government issues a licence, the Government may grant exemption from this obligation in accordance with the first paragraph, and from the requirement in Section 6.

”Advertising” is defined as commercial advertising and broadcasts which are commissioned by a third party but are not commercial advertising. (Act 2004:147).

Section 2

In the case of advertisements which are not commercial advertising, it must be clear on whose behalf the broadcast is made. Provisions regarding the identification of advertising are covered by Section 5 of the Marketing Practices Act (1995:450).

Section 3

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

Section 4

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

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

Section 5

Advertisements may be broadcast for not more than eight minutes per hour between each full hour. In television broadcasts between 7pm and midnight this time may be extended to not more than 10 minutes. If the broadcasting time does not comprise an hour between full hours, advertisements may be broadcast for not more than 10 per cent of the time.

The advertising time within a television broadcast stated in the first paragraph may be exceeded if

1. the programme company demonstrates that it is probable that
 - a) the excess time is the result of an event which was close in terms of time and which meant that an earlier advertisement period was cancelled or postponed,
 - b) the company did not have reasonable cause to take this event into account when scheduling programmes, and
 - c) the event was beyond the control of the company, and
2. the advertising period during a period of one hour between full hours does not exceed 12 minutes.

In a television broadcast, advertising may be broadcast for not more than 10 per cent of the broadcasting time per 24-hour period.

Notwithstanding the provisions of the first, second and third paragraphs, programme services that are intended exclusively for programmes in which the audience is invited to order goods or services (sales programmes) may be broadcast on television. “Programme services” are defined as a cohesive range of programmes broadcast under a common designation. In addition to the provisions in Chapter 6, Section 9, the designation of the programme service must be displayed at the beginning and end of the broadcast. (Act 2004:147).

Section 6

The total advertising time on television on any given occasion may not be less than one minute after deduction of the transmission time for the special signature.

Section 7

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

In applying the first paragraph and Sections 7a and 7b, a programme that merely consists of a simple message concerning the time, weather, news, etc., without the indication of the name or source, is not regarded as a separate programme. (Act 2002:116).

Section 7 a

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

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

In the case of feature films and films made for television – with the exception of television serials, light entertainment programmes and documentary programmes – advertising may be broadcast if the scheduled broadcasting time exceeds 45 minutes. Advertising may be broadcast once for every complete period of 45 minutes. If the scheduled broadcasting time is at least 20 minutes more than two or more complete periods of 45 minutes, advertising may be broadcast a second time.

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

Section 7 b

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

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

Commercial advertising may not occur immediately before or after a programme or part of a programme that is primarily addressed to children under twelve years of age, unless this involves messages referred to in Section 8. (Act 2002:116).

Section 8

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

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

Section 9

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

Section 10

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

If a pharmaceutical company sponsors television programmes, the sponsorship may only promote the company's name or reputation and may not promote products subject to prescription and medicinal treatments that are only available by prescription.

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

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

Section 11

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

Section 12

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

The provisions of Section 5 and Sections 7–7 b do not apply to teletext selected by the viewer. (Act 2002:116).

Chapter 8. Re-transmissions on cable networks

Section 1/Ceases to apply on 1 February 2008/

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

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

The broadcasting obligation according to the first paragraph also applies to television transmissions which a licence-holder conducts to fulfil the obligation to transmit throughout the country or to parts of the country, but where the form of transmission does not require a licence from the Government.

The broadcasting obligation in accordance with the first paragraph does not cover more than

1. four programme services broadcast simultaneously by licence-holders whose operations are financed by television fees under the Television Fees Act (1989:41) and
2. one programme service broadcast by another licence-holder.

In a network where television broadcasts take place using both analogue and digital technology, re-transmission using analogue technology must take place of at least two programme services referred to in the fourth paragraph, subsection 1, if they are transmitted or have been transmitted using analogue technology. Subject to the same conditions, the programme service referred to in the fourth paragraph, subsection 2, must also be transmitted using analogue technology. Otherwise, re-transmission takes place using digital technology.

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

The broadcasting obligation according to the first paragraph does not cover broadcasts conducted under re-transmission licences according to Chapter 3, Section 5. (SFS 2005:364).

Section 1/Enters into force on 1 February 2008/

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

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

The broadcasting obligation according to the first paragraph also applies to television transmissions which a licence-holder conducts to fulfil the obligation to transmit throughout the country or to parts of the country, but where the form of transmission does not require a licence from the Government.

The broadcasting obligation according to the first paragraph does not cover more than four programme services transmitted at the same time by a licence-holder whose operations are financed through television fees according to the Television Fees Act (1989:41).

In a network where television broadcasts take place using both analogue and digital technology, re-transmission of at least two programme services referred to in the fourth paragraph must be conducted using analogue technology if they are transmitted or have been transmitted using analogue technology. Otherwise, re-transmissions may be conducted using digital technology.

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

The broadcasting obligation according to the first paragraph does not cover broadcasts conducted under re-transmission licences according to Chapter 3, Section 5. (SFS 2005:365).

Section 2

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

Section 3

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

Section 4

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

Section 5

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

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

The Radio and TV Authority's appointment of local cable transmission undertakings is to apply for not more than three years.

Section 6

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

Chapter 9. Review and supervision

Section 1

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

Section 2

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

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

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

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

Section 3

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

The Broadcasting Commission has a quorum if the chairman, or a vice-chairman, and three other members are present. However, issues which are obviously not of major importance or do not involve matters of principle may be determined by the chairman or a vice-chairman.

The Government may prescribe that an official of the Commission is entitled to take decisions on the Commission's behalf, although this does not include decisions that involve failure to apply this Act or the conditions which apply for broadcasts.

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

Section 4

Any person or entity that transmits television programmes by satellite or under a licence issued by the Government must submit an annual report to the Radio and TV Authority regarding the proportion of its activities which comprise programmes referred to in Chapter 6, section 8, first paragraph. (Act 2001:1046).

Section 5

At the request of the Radio and TV Authority, a person or entity that transmits television programmes via satellite must provide information about who owns the company and the manner in which operations are financed. (Act 2006:797).

Section 6

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

Section 7

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

Section 8

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

Section 9

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

Section 10

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

Chapter 10. Penalties and special fees, etc.

Section 1

A person or entity that intentionally or as a result of negligence broadcasts programmes without a licence if a licence is required under this Act is to be fined or sentenced to imprisonment for a term of not more than six months.

Section 2

A person or entity that wilfully or as a result of negligence broadcasts from a radio station on the open sea or in the skies above it, or establishes or owns such a station, is to be fined or sentenced to imprisonment for a term of not more than six months if:

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

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

Prosecution may be instituted only after an order by the Government or the public authority determined by the Government, against:

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

Section 3

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

Section 4

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

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

Section 5

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

1. conditions regarding advertising and sponsored programmes stipulated under the first paragraph of Chapter 3, Section 3,
2. the provision regarding the improper promotion of commercial interests in accordance with Chapter 6, Section 4,
3. the provisions regarding advertising in Chapter 7, Section 1 and Sections 5–7 b,
4. the provisions regarding advertising which is not commercial advertising in Chapter 6, Section 5 and Chapter 7, Sections 2 and 3,
5. the provisions regarding sponsoring in Chapter 7, Sections 8 and 9, and the second paragraph of Section 10,
6. the provision regarding commercial advertising in Chapter 7, Section 11, or
7. the provision regarding exclusive rights in Chapter 6, Section 10.

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

This fee accrues to the State. (Act 2002:116).

Section 6

The special fee is to be not less than SEK 5,000 (five thousand kronor) and not more than SEK 5,000,000 (five million kronor). However, the fee should not exceed 10 per cent of the broadcaster's annual turnover during the preceding financial year.

In determining the amount of the fee, special consideration is to be given to the factors on which consideration of the imposition of a fee was based and the revenues which the broadcaster may be estimated to have received as a result of the offence.

Section 6 a

A special fee shall be paid to the Radio and Television Authority within thirty days of the judgement having acquired force of law. Act (2002:1096).

Section 6 b

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

Section 7

In application of Sections 4, 14, and 19 of the Marketing Practices Act (1994:450), an act which contravenes Chapter 7, Sections 3 and 4, and Section 10, first and third paragraphs, is to be considered unfair to consumers. Such an act may result in the imposition of a fee for disruptive marketing practices under the provisions of Sections 22–28 of the Marketing Practices Act. (Act 1998:1713).

Section 8

If the Broadcasting Commission has found that a person or entity has failed to observe conditions decided upon under Chapter 3, Section 1, Section 2 or the second paragraph of Section 3, or the provision regarding correction/rectification in Chapter 6, Section 3, first paragraph, the Commission may order the broadcaster to publicise the Commission's decision in an appropriate manner.

This decision, which may involve a conditional fine, may not entail mandatory that publication in the broadcaster's programmes.

Section 9

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

1. the content of community radio and local radio broadcasts and the obligation in local radio to broadcast content produced by the broadcaster, and programmes with local links (Chapter 5, Section 11, subsections 2 and 3, Chapter 6, Sections 6, 7 and 7a),
2. designations (Chapter 6, Section 9),
3. transmission obligations or the obligation to provide channels for local cable transmission undertakings (Chapter 8, Sections 1, 2 and 4),
4. the obligation to submit certain information to the Radio and Television Authority (Chapter 9, Sections 4–6),
5. the obligation to submit recordings (Chapter 9, Section 8),
6. warnings (Chapter 6, Section 2),
7. the obligation to report each year to the Broadcasting Commission (Chapter 9, Section 9), or
8. the obligation to provide information and documents according to Chapter 9, Section 7.

The Broadcasting Commission may issue orders in accordance with the first paragraph, subsections 1, 2 and 5–8. Orders in accordance with the first paragraph, subsections 3–5 and 8 may be issued by the Radio and TV Authority. Orders in accordance with the first paragraph, subsections 5 and 8 may also be issued by the Consumer Ombudsman. (Act 2006:797).

Section 10

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

Section 11

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

Section 12

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

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

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

Chapter 11. Revocation of licences

Section 1

A licence to broadcast sound radio or television programmes is to be revoked at the licenceholder's request. A decision of this nature may also be revoked under the provisions stated in Sections 2–5. A decision regarding revocation in accordance with one of these Sections may only be pronounced if this does not appear to constitute excessive intervention in view of the reasons for such a step. (Act 2001:272).

Section 2

A licence issued by the Government may be revoked if:

1. the licence-holder has materially contravened the provisions in Chapter 6, Sections 1–5, or Chapter 7, Sections 1–10, or
2. a condition attached to the licence under Chapter 3, Sections 1–4, has been ignored to a significant extent. (Act 1998:1713).

Section 3

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

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

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

Section 4

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

In a case referred to in Section 3, second paragraph, the court may decide that the licenceholder may not receive a new licence within a period of not more than one year or, if there are exceptional grounds, not more than five years. This also applies if, at the time the freedom of expression offence was committed, the licence-holder did not have a licence to broadcast community radio at the time of the judgment.

The court may order that the decision is to apply until the judgment becomes final.

Section 5

A licence to broadcast local radio may be revoked if:

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

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

If the Radio and TV Authority has approved a transfer, notwithstanding an existing licence for the licence-holder to broadcast local radio in the same transmission area, directly or indirectly, via an undertaking in which the licence-holder has a holding which corresponds to at least 20 per cent of all the shares or participations, or has sole determining influence as a result of an agreement, the licence may only be revoked if the transfer was based on incorrect or incomplete information from the licence-holder. In this case, revocation is confined to the licence or licences transferred.

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

Section 6

The appointment of a local cable transmission undertaking may be revoked if no transmission operations have occurred, or if such operations have only occurred to an insignificant extent during a consecutive period of not less than three months.

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

Section 1

Upon application by the Office of the Chancellor of Justice, matters concerning the revocation of a licence as a result of contravention of conditions announced under Chapter 3, Section 1, or Chapter 3, Section 2, subsections 9–12, and contravention of Chapter 6, Sections 1–3, are to be adjudicated by a court of general jurisdiction.

In other cases, matters concerning the revocation of a licence are to be considered by the Radio and TV Authority.

Section 2

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

In the case of revocation as a result of contravention of the provisions of this Act or of conditions for licences which are to be considered by the Broadcasting Commission in accordance with Chapter 9, Section 2, the Radio and TV Authority is to request an expression of opinion by the Commission. The licence may only be revoked if the Commission finds that the contravention is significant.

Section 3

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

The court may order that the judgment is also to apply before the judgment becomes final.

Section 4

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

A special fee may not be imposed if the person or entity to whom the claim is directed has not been served with the application within five years of cessation of the contravention. A decision regarding special fines lapses if the decision is not implemented within five years of the date on which the judgment becomes final.

Section 5

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

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

Chapter 13. Appeals

Section 1

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

The ruling shall apply immediately, even if an appeal is made.

Section 1 a

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

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

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

A decision under the first paragraph, subsections 2–4, is to apply immediately unless ordered otherwise. (Act 2001:272).

Section 2

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

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

A decision regarding the revocation of an appointment referred to in subsection 2 is to apply immediately, even if an appeal is made.

Section 3

An appeal against a decision by the Broadcasting Commission, the Radio and TV Authority or the Consumer Ombudsman regarding orders subject to conditional fines in accordance with Chapter 10, Section 8, Section 9 first paragraph, subsections 1–3 and 6–8 and Section 10 may be made to a public administrative court.

Orders according to Chapter 10, Section 8, Section 9 first paragraph, subsections 1, 2, 7 and 8 and Section 10 apply with immediate effect unless stated otherwise. (Act 2006:797).

Section 4

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

Section 5

There is no appeal against decisions by the Broadcasting Commission and the Radio and TV Authority other than those covered by Sections 1–3.

Transitional provisions

1996:844

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

1997:335

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

1998:311

This Act enters into force on 1 July 1998.

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

1998:1713

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

2001:272

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

2002:116

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

2002:1096

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

2004:1059

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

2005:364

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

2006:797

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