

Radio and Television Act

SFS No. 2010:696 Ministry/authority: Ministry of Culture

Issued: 17 June 2010 Enters into force: 1 August 2010

General provisions

Chapter 1 Content and scope of the Act

Content of the Act

Section 1. This Act contains provisions regarding television broadcasts, on-demand TV, Teletext and radio broadcasts, as follows:

General provisions

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Implementation of the AV Directive

Section 2. This Act implements in part 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 (Audiovisual Media Services Directive), amended through Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007, and hereinafter called “the AV Directive”.

Television broadcasts and on-demand TV

Section 3. This Act applies to television broadcasts and on-demand TV that can be received in any State to which European Economic Area Treaty shall apply (EEA State), if the media service provider

1. *is established in Sweden in accordance with the definition set out in Article 2.3 of the AV Directive,*
2. *does not fulfil the criterion in 1, or is established in any other EEA State, but utilises a satellite up-link situated in Sweden,*
3. *does not fulfil any of the criteria in 1 or 2 but utilises satellite capacity appertaining to Sweden, or*
4. *does not fulfil any of the criteria in 1, 2 or 3, but is established in Sweden, according to the Articles 49-54 of the Treaty on the Functioning of the European Union.*

Notwithstanding the provisions of the first paragraph, Chapter 2 section 3, Chapter 4 sections 1-7, section 9 indents 1-3, 6-9 and 16, and sections 11-14, as well as the provisions of Chapters 16-20 shall apply even to a party under another EEA State’s jurisdiction pursuant to the AV Directive.

Section 4. For transmissions by cable to 100 households or fewer, only Chapter 9 sections 1-4 s and Fundamental Law of Freedom of Expression Chapter 1 sections 2 and 3 will apply.

Radio broadcasts by satellite

Section 5. This Act applies to broadcasts of radio programmes by satellite that can be received in Sweden if the natural or legal person conducting broadcasting operations has a registered address in Sweden or the transmission to the satellite is from a transmitter in Sweden.

Exception for certain audio in TV broadcasts

Section 6. Provisions other than Chapter 4, section 10, subsection 1 regarding the prohibition against broadcasting advertising do not apply to the audio component of a TV broadcast if the audio is identical to a radio broadcast conducted under a licence granted pursuant to this Act, or for which the broadcaster is registered.

Chapter 2. Information and registration

Information regarding broadcasters that broadcast television and providers of on-demand TV

Section 1. Broadcasters shall make easily, directly and permanently accessible to the recipients of a service at least the following information:

- 1. The name of the media service provider;*
- 2. The geographical address of the media service provider;*
- 3. The details of the media service provider, including the electronic mail address and website, and*
- 4. Information on the competent regulatory authority.*

Providers of on-demand TV are also subject to the Electronic Commerce and other Information Society Services Act (2002:562) section 8.

Registration

Section 2. A broadcaster that does not require a licence according to this law, or that provides on-demand TV, is required to register with the Broadcasting Authority. The same applies to a natural or legal person that broadcasts via satellite or leases out satellite capacity (satellite contractor) on behalf of another.

The registration must contain

- 1. the name, trade name or the equivalent information,*
- 2. the representatives for legal persons,*
- 3. the postal address, telephone number, e-mail address and website, and*
- 4. information regarding the activities conducted.*

Registry

Section 3. The Broadcasting Authority shall establish a registry of those natural or legal persons

- 1. who registered pursuant to section 2, and whose operations are within the purview of this Act or*
- 2. hold the type of licence referred to in Chapter 4 section 3, Chapter 11 section 1, Chapter 12 section 1 or Chapter 13 section 1.*

The registry shall be maintained with the help of automatic data processing. It may contain only such information as is referred to in section 2 paragraph 2, Chapter 5 section 11, Chapter 14 section 7 and Chapter 16 sections 5-9.

Chapter 3. Definitions

Section 1. In this Act, the following terms will be construed as follows:

1. *Advertisement: commercial advertisements and other messages that while not commercial advertisement are broadcast by another party, and are intended to promote a cause or idea;*
2. *Advertising with split screen: broadcast of an advertisement at the same time as another broadcast;*
3. *On-demand TV: a service whereby a media service provider provides the public with TV programmes with the help of electronic communications networks, for information, entertainment or educational purposes,*
 - A) *upon the request of the user,*
 - B) *at a time chosen by the user, and*
 - C) *from a catalogue of programmes that the provider has chosen;*
4. *Teleshopping programmes: programmes where a recipient of the programme is offered an opportunity to order goods and services;*
5. *Commercial radio: radio broadcasts requiring a license, which*
 - A) *do not require a licence from the Government,*
 - B) *are not restricted to a limited time pursuant to Chapter 11 section 11, paragraph 2, or*
 - C) *are not community radio.*
6. *Media service provider: a natural or legal person who*
 - A) *has editorial responsibility for the choice of content in a radio or TV broadcast, on-demand TV or Teletext, and*
 - B) *determines how the content is to be structured;*
7. *Radio broadcast: a broadcast of a radio programme with the help of electronic communications networks, which*
 - A) *a media services provider provides,*
 - B) *is directed to the public, and*
 - C) *is intended to be received using technical equipment;*
8. *Community radio: local radio broadcasts for associations and registered religious communities;*
9. *Community radio association: an association of several licence holders in a transmission area for shared community radio purposes;*
10. *Product placement: the presence in a programme of a product, a service or a trade mark, if this is done for a marketing purpose and in return for payment or for similar consideration to*

the media service provider, unless the good or service is of little value and has been provided free of charge;

11. *Broadcaster: a provider of media services that supplies radio broadcasts, television broadcasts or Teletext;*
12. *Programme service: a collection range of radio- or TV- program or Teletext broadcast under the same designation;*
13. *Advertisement: every form of message*
 - A) *broadcast either in return for payment for similar consideration, or as an advertisement for the broadcaster itself, and*
 - B) *intended as part of business activity to market products, services, real estate, positions available or other useful items;*
14. *Sponsorship: any contribution that a party who is not engaged in supplying or producing radio, TV broadcasts, on-demand TV or Teletext makes in order to finance these media services or programmes with the intent of promoting the name, trade mark, reputation, business, product or interest of the contributor;*
15. *Broadcast directed to the public: a broadcast that simultaneously, and without the need for a separate request, is accessible for whoever wishes to receive it;*
16. *Teletext: a broadcast via electronic communications network that consists mostly of text, graphics or stills, with or without sound, which*
 - A) *a provider of media services supplies,*
 - B) *is directed to the public,*
 - C) *is intended to be received using technical aids, and*
 - D) *allows the user to choose what part of the content he or she would like to access and the point in time when this should take place;*
17. *TV programme: A programme that mainly consists of moving pictures with or without sound;*
18. *TV broadcast: a broadcast of, or to broadcast TV programmes with the help of, an electronic communications network, in which the broadcast*
 - A) *is provided by a media services provider,*
 - B) *is directed to the public, and*
 - C) *is intended to be received using technical aids;*
19. *Virtual advertising: broadcast of messages that are placed electronically in a TV picture on fixed objects, which normally is used for advertising, or for marks on which advertising can be physically placed.*

Television broadcasts, on-demand TV and Teletext

Chapter 4 Licensing requirements

Broadcasting frequencies

Section 1. The Government decides what broadcasting frequencies may be allocated in different parts of the country for TV broadcasts that require a licence in accordance with this Act.

When a licence is required

Section 2. Broadcasting TV and Teletext using radio waves requires a licence pursuant to this Act, if the transmission is implemented on the frequencies 87.5-108 megahertz, 174-240 megahertz or 470-790 megahertz.

Regulations regarding licences to use radio transmitters can be found in the Electronic Communication Act (2003:389).

Grantor of licence

Section 3. The Government grants licences to broadcast TV and Teletext if the broadcast operations are financed by radio and TV fees according to Act on Financing of Public Service Radio and Television (1989:41). The Broadcasting Authority grants licences in all other cases.

The significance of a licence

Section 4. A licence to broadcast TV and Teletext includes the right to broadcast simultaneously in every area, the number of media services that the licence indicates, at the times of day stated in the licence.

Qualifications for obtaining a licence

Section 5. Licences to broadcast TV and Teletext may only be granted to a broadcaster that has adequate financial and technical resources to broadcast during the entire term of the licence, and is prepared to cooperate with other licence holders on technical issues.

Considerations in granting a licence

Section 6. When allocating licences to broadcast TV and Teletext, particular care must be taken that broadcasting frequencies are able to be utilised

- 1. for different media services so that broadcasts will appeal to a variety of interests and tastes,*
- 2. for national as well as local and regional media services, and*
- 3. by a number of broadcasters that remain independent of each other.*

Licence limited to retransmitting

Section 7. A licence granted by the Broadcasting Authority may provide a broadcaster only the right to re-transmit programmes that are being broadcast at the same time or that had been broadcast shortly before by another broadcaster. Such a licence may provide that the provisions in Chapters 5 - 8 do not apply to broadcasts that take place pursuant to the licence.

Licence conditions

Section 8. A licence to broadcast TV or Teletext may be conditioned on the requirement that the right to broadcast be exercised impartially and objectively, with consideration taken to the fact that extensive freedom of expression and information should apply to TV.

Section 9. A licence to broadcast TV or Teletext may be conditioned on the obligation to

- 1. broadcast the programme throughout Sweden or to a certain part of the country,*
- 2. broadcast for a certain minimum time,*
- 3. simultaneously broadcast a certain minimum number of programmes in each area,*
- 4. broadcast Teletext to a certain extent,*
- 5. broadcast programmes with content especially adapted for persons with functional impairments,*
- 6. provide frequencies for broadcasts based on licences issued by the Government,*
- 7. utilise a specific transmission technology,*
- 8. cooperate with other licence holders on technical matters with the aim of promoting accessibility and competition,*
- 9. utilise certain radio transmitters,*
- 10. take into consideration the special impact of television broadcasting as regards programme content and formulation, and the time at which the programmes are broadcast,*
- 11. broadcast replies*
- 12. respect individuals' right to privacy in programme operations,*
- 13. broadcast a diversified range of programmes,*
- 14. broadcast and produce programmes on a regional basis,*
- 15. broadcast announcements which are of importance for the general public, without charge, if so requested by a public authority,*
- 16. devise broadcasts in a manner that ensures reception is not confined to a limited section of the general public in the transmission area, and*

17. *prepare a contingency plan for the operations during a high-level alert and in conjunction with exceptional circumstances in peacetime, and submit the plan to the Government and to an agency designated by the Government.*

Section 10. A licence to broadcast TV programmes or Teletext may be conditioned on prohibitions against, and conditions to, broadcast

1. *commercial advertising or other advertising,*
2. *sponsored programmes even in cases other than those indicated in Chapter 7, sections 1-3, and*
3. *programmes where there is product placement.*

Section 11. A licence to broadcast TV or Teletext may be conditioned on the ownership structure and influence within an enterprise that receives a licence only changing to a limited extent.

Term of the licence

Section 12. A licence issued by the Government to broadcast TV or Teletext will apply for a specific time as determined by the Government.

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

The period of validity for licence conditions may be shorter than the time term of the licence.

Exception for broadcasts with licences valid for a limited time

Section 13. The provisions in sections 5 and 6 need not be applied if the licence to broadcast TV and Teletext will apply during a limited time of no more than two weeks.

The Broadcasting Authority may decide that Chapters 5-8 should not be applied to broadcasts described in the first paragraph.

Statement regarding licensing conditions

Section 14. Before a decision has been made regarding a licence, the applicant is to be given an opportunity to access, and express an opinion on, the conditions that the Government or the Broadcasting Authority intends to apply to the licence. Decisions to grant broadcasting licences may not contain other programme-related conditions than those accepted by the applicant.

Transfer of licence

Section 15. A licence to broadcast TV and Teletext may be transferred if this is approved by the Broadcasting Authority. This approval may only be granted if

- 1. the acquiring party satisfies the conditions in section 5,*
- 2. the transfer will not increase the concentration of ownership among those with licences to broadcast TV and Teletext more than to a limited extent, and*
- 3. the transfer will not cause a reduction of diversity in the range of media services requiring a licence.*

A transfer that is not approved is null and void.

Section 16. A party that acquires a licence takes over the transferor's rights and obligations under this Act after the decision granting consent. If the previous licence holder is subject to an order under Chapter 17 sections 11 and 13, the order will also apply to the new licence holder. The Broadcasting Authority must notify the new licence holder of this condition in connection with approval of the transfer. Without this notification the order will not apply to the new licence holder. A conditional fine that has been imposed as part of the order shall not apply against the new licence holder.

Fees

Section 17. The Broadcasting Authority may charge a fee to a party that applies for a licence to broadcast TV and Teletext or for an approval of a transfer of such a licence.

The fee should be equivalent to the Authority's costs for handling the matter.

Chapter 5. Content of television broadcasts, on-demand TV and Teletext

General requirements

Section 1. A media service provider shall ensure that the overall media services reflect the fundamental concepts of a democratic society, the principle that all persons are of equal value, and the freedom and dignity of the individual.

Portrayals of violence and pornographic pictures

Section 2. Programmes containing portrayals of violence of a realistic nature or pornographic images which are broadcast on television must either be preceded by a verbal warning or contain a warning text continuously displayed on the screen throughout the broadcast. Such programmes may not be broadcast at times and in a manner that would create a

considerable risk of children viewing the programmes unless the broadcast is nevertheless defensible on special grounds.

Section 3. Programmes provided by on-demand TV and which contain detailed portrayals of violence of a realistic nature or pornographic images may not be provided in such a manner that creates a considerable risk of children viewing the programmes, unless this is nevertheless defensible on special grounds.

Rectification

Section 4. Information in a television programme or in Teletext, which is not commercial advertising and which is transmitted by means other than cable shall be corrected when this is justified.

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

Improper promotion of commercial interests

Section 5. Programmes that are not commercial advertising may not improperly promote commercial interests. This means that programmes may not

- 1. promote purchases or rental of goods or services, or contain sales-promotional features, or*
- 2. promote a product or service in an improper manner.*

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

Advertising on issues

Section 6. In broadcasts subject to conditions of impartiality, there should not be any messages broadcast at the request of a third party, intended to gain support for political or religious opinions or opinions regarding labour market matters.

Chapter 3 section 1 characterises these messages as advertisements.

Programmes of European origin

Section 7 Unless there are special reasons to the contrary, a natural or legal person that broadcasts television other than through cable shall ensure that the following requirements are satisfied:

- 1. More than half the annual transmission time shall be reserved for European works;*
- 2. At least ten per cent of the annual broadcasting time or at least ten per cent of the programming budget will be used for European works created by producers who are independent of broadcasters. The proportion of programmes produced during the preceding five years should be as high as possible.*

For the purposes of this Section, “transmission time” is defined as the time when programmes with content other than news, sport, contests, advertisements and teleshopping are broadcast. Transmission time shall also not include broadcasts consisting purely of text.

Television broadcasts in accordance with the first paragraph, unless there are special reasons to the contrary, are to contain a considerable proportion of programmes in the Swedish language, programmes with Swedish artists active in Sweden, and works by Swedish authors active in Sweden.

Section 8. Providers of on-demand TV provided other than through cable, shall, in an appropriate manner, and where it is feasible, promote the production of, and access to European works.

Exclusive rights to television broadcasts

Section 9. A broadcaster of television programmes who holds exclusive television broadcasting rights for a Swedish or foreign event which is of particular importance to the Swedish public may not, if the broadcaster broadcasts the event, utilise such rights in a manner that denies a significant proportion of the Swedish general public an opportunity to view the event on television in a direct broadcast free of charge, or with a slight delay if there are objective grounds for this. The events referred to are those that occur not more than once a year and are of interest to the broad general public in Sweden.

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

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

The Government will issue regulations regarding which events are of particular importance to the Swedish public

Short excerpts from events of particular public interest

Section 10. Section 48 a of the Copyright in the Literary and Artistic Works Act (1960:729) includes provisions regarding the right of a broadcaster in an EEA State to use in its general news broadcasts excerpts from TV broadcasts of an event of particular public interest broadcast by another broadcaster.

Requirements for broadcast designation in television broadcasts and Teletext

Section 11. A natural or legal person that broadcasts TV or Teletext in accordance with this Act shall use a designation for its broadcasts which has been approved by the Broadcasting Authority.

The designation must be displayed at least once per broadcasting hour, or, if this is not possible, between the programmes. In Teletext, the designation must be displayed constantly.

Requirement of accessibility for persons with functional impairments

Section 12. A media service provider of TV broadcasts, on-demand TV or Teletext other than through cable shall devise the service in such a way that it becomes accessible for persons with functional impairments, by texting, interpreting, audio description or other similar techniques. This should be done to the extent decided by the Government if the operation is financed by radio and TV fees according to the Act on Financing of Radio and Television for Public Service (1989:41), and by the Broadcasting Authority in all other cases. Such a decision will remain in force for a certain time.

In determining how and to what extent the service should be made accessible for persons with functional impairments, the provider's financial condition, and the technical development of the accessibility services should be considered.

Chapter 6. Product placement

Prohibition to broadcast programmes that include product placement

Section 1. No product placement should be present in TV or in programmes in on-demand TV, unless otherwise provided in section 2.

Section 2. Media service providers may broadcast films, TV series, sport programmes and light entertainment programmes with product placement, subject to the conditions set out in sections 3 and 4.

The first paragraph, however, does not apply to programmes directed to children below the age of twelve years, nor to any programmes where there is product placement of

- 1. alcoholic beverages and tobacco products,*
- 2. other products from companies whose principal activity is the manufacture or sale of alcoholic beverages and tobacco products, or*
- 3. prescription medicinal products and medical treatments that are only available by prescription.*

Requirements regarding programmes where there is product placement

Section 3. Programmes with product placement may only be broadcast if the programmes do not improperly promote commercial interests according to Chapter 5 section 5.

Information about product placement

Section 4. When product placement is present in a programme, information regarding this should be communicated at the beginning and at the end of the programme, as well as when the programme begins again after an interruption for advertising.

The information should consist only of a neutral notification that there is product placement and of the goods or services that have been placed in the programme.

Chapter 7. Sponsorship

Programmes that may not be sponsored

Section 1. Programmes in television broadcasts, Teletext or in on-demand TV that mainly concern the news or contain news commentary may not be sponsored.

Who may not sponsor programmes

Section 2. Programmes in television broadcasts, Teletext or in on-demand TV may not be sponsored by any party whose principal activity is the manufacture or sale of alcoholic beverages or tobacco products.

Limitations for pharmaceutical companies

Section 3. If a pharmaceuticals company sponsors a programme in a TV broadcast, Teletext or on-demand TV, the sponsorship may only promote the name or reputation of the company, but not prescription medicinal products and medical treatments that are only available by prescription.

When sponsorship messages should be communicated

Section 4. When a provider of media services provides a sponsored programme in a TV broadcast or in on-demand TV, the provider must indicate who has contributed to the financing. Such a message should be communicated at the beginning and at the end of the programme or at one of these times.

In the case of Teletext, this notification should be communicated on an ongoing basis.

If only a clearly delineated portion of a programme is sponsored, the sponsorship message should be communicated at the beginning or at the end of that portion. Such a message, however, requires that the integrity and value of the programme, or the rights of the holders of rights have not been violated.

When sponsorship messages may be communicated

Section 5. In addition to what is provided in section 4, sponsorship messages may be communicated in TV broadcasts

1. *at the beginning and at the end of a programme, if a message has been communicated according to section 4 paragraph 3,*
2. *in sport programmes with extended breaks and in programmes that render performances or events, in the breaks for the public,*
3. *in connection with the broadcast changing from one programme service to another,*
4. *upon switching between studio broadcasts and other broadcasts, and*
5. *in connection with commercial breaks.*

The first paragraph applies only if the sponsorship message can be communicated in such a manner so as not to violate the integrity and value of the programme, or the rights of the holders of rights.

Section 6. In addition to what is provided in section 4, sponsorship messages may be communicated via on-demand TV if this can be done without violating the integrity and value of the programme, or the rights of the holders of rights.

How a sponsorship message should be designed

Section 7. A sponsorship message in television broadcasts, Teletext or on-demand TV should contain the name, logotype or other mark of the sponsor. The message may not contain sales promotion features.

Sponsorship message on a split screen

Section 8. A sponsorship message may be communicated on a split screen in those cases mentioned in sections 4-6, if this can be done without violating the integrity and value of the programme, or the rights of the holders of rights.

Chapter 8. Commercial advertising and other advertising, etc.

Advertising time for television broadcasts

Section 1. Advertisements may be broadcast on TV for not more than twelve minutes per hour between each full hour.

Notwithstanding the provisions of the first paragraph, media services that are meant solely for teleshopping programmes may be broadcast on TV provided that broadcast times are at least fifteen minutes.

Section 2. The total time of a commercial break on television on any given occasion may not be less than one minute after deducting the broadcast time for the advertising indication according to section 5.

Programmes that may not be interrupted for advertising

Section 3. TV broadcasts that contain religious services or programmes primarily aimed at children below 12 years of age may not be interrupted by advertising .

In on-demand TV, programmes primarily aimed at children below the age of 12 may not be interrupted by advertising.

When programmes may be interrupted for advertising

Section 4. Programmes in television broadcasts other than those indicated in the first paragraph of section 3 may be interrupted only if the interruption, considering the natural breaks in the programme and the length and nature of the programme, does not affect the integrity and value of the programme, or violate the rights of the holders of rights.

Broadcasts of news programmes, feature films, and films produced for TV, except for TV series and documentaries, may be interrupted by advertising once in every scheduled period of at least thirty minutes, provided the requirements of the first paragraph are satisfied.

Advertising indication

Section 5. Before and after every instance of advertising in television broadcasts and via on-demand TV, there should be a special indication that clearly differentiates the advertising from the rest of the content. This indication should consist of both an audio and visual component. In Teletext, teleshopping programmes and in split-screen advertising, the symbol should always be visible. However, only the visual component is required.

Concerning the television broadcasts for which the Government grants licences, the Government may grant exemptions from the obligation according to the first paragraph and the minimum advertisement requirements pursuant to section 2. This exemption may also be granted by the Broadcasting Authority regarding broadcasts of programmes for which that Authority grants licences.

The provisions regarding the identification of commercial advertising can be found in section 9 of the Marketing Practices Act (2008:486).

Information regarding on whose behalf an advertisement has been supplied

Section 6. In the case of an advertisement that is not commercial advertising, and appears on a TV broadcast, Teletext or on-demand TV, the identity of the person in whose interest this is done should be stated.

Commercial advertising and children

Section 7. Commercial advertising in television broadcasts, Teletext and on-demand TV may not be designed to attract the attention of children less than 12 years of age.

Commercial advertising in television broadcasts and on-demand TV may not appear immediately before or after a programme or part of a programme that is primarily directed to children below 12 years of age.

Section 8. Individuals or characters who play a prominent role in programmes that are primarily aimed at children below the age of 12 years may not appear in commercial advertising on television broadcasts, Teletext and on-demand TV.

Persons who may not appear in advertising

Section 9. Individuals who play a prominent role in programmes in television broadcasts, Teletext and on-demand TV programmes that primarily involve news or news commentaries may not appear in advertising.

Split-screen advertising

Section 10. Split-screen advertising may appear in TV broadcasts that consist of live events continuing without interruption. Advertising in the form of split-screen self-advertising may also appear in other types of television broadcasts.

Split-screen advertising may appear in on-demand TV.

Split-screen advertising may not appear if it violates the integrity and value of the programme, or the rights of the holders of rights.

The first paragraph also applies to the retransmission of an unchanged TV programme.

Virtual advertising

Section 11. Virtual advertising may appear in sport events in television broadcasts and on-demand TV if the advertising is not

1. *more prominent than the advertising that normally appears at the place, or otherwise is disturbs the opportunities to understand the programme, or*
2. *violative of the integrity and value of the programme, or the rights of the holders of rights.*

Before and after each programme that contains virtual advertising, the provider of media services should be communicated in a suitable manner that this type of advertising is present. This information should consist only of a neutral communication that the programme contains virtual advertising.

The provisions of sections 7-9 shall be applied to virtual advertising.

Electronic company signs

Section 12. In sport and competition programmes in television broadcasts and on-demand TV, the name or logotype of the company or companies that supplied necessary equipment or services that were required in order to produce information about the results, score or other similar matters can be included in the TV picture electronically provided the following conditions are satisfied:

- 1. The company name or logotype is shown in connection with the delivery of the information that the company in question supplied.*
- 2. The broadcaster or provider of on-demand TV may not receive any consideration for showing this.*
- 3. The company name or logotype should not be combined with audio, and should only take up a small part of the picture.*
- 4. The company name or logotype should be shown to a reasonable extent.*

Commercial advertising for alcohol and tobacco

Section 13. The provisions prohibiting commercial advertising for alcoholic beverages and tobacco products are found in Chapter 4 of the Alcohol Act (1994:1738) and in section 14 of the Tobacco Act (1993:581).

Commercial advertising for medicinal products and medical treatment

Section 14. Commercial advertising for medical treatment available only on prescription should not appear in television broadcasts, Teletext and on-demand TV.

Teleshopping programmes for medicinal products and medical treatment should not appear in television broadcasts, Teletext and on-demand TV.

Provisions prohibiting certain types of marketing of medicinal products can be found in the Medicinal Products Act (1992:859). The Medicinal Products Act provides that its provisions are under the supervision of the Medical Products Agency.

Prohibition for commercial advertising by local cable broadcast organisations

Section 15. No local cable organisation may broadcast any commercial advertising.

Exception for provider's self-advertising

Section 16. The provisions of sections 1, 2, 5, 7-9 and 15 sections do not apply to advertising that a media services provider for its own programmes.

Chapter 9. Cable network retransmissions

Obligation to retransmit programmes

Section 1. Any natural or legal person owning or otherwise controlling an electronic communication network used to relay television broadcasts by cable to the general public shall, if a significant number of households that are connected to the network use it as their main means of receiving television broadcasts, ensure that residents in the households that are connected can receive television broadcasts conducted pursuant to a licence from the Government and which can be received in the area without conditions regarding separate 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 retransmission in accordance with the Copyright in the Literary and Artistic Works Act (1960:729) have been satisfied.

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

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

Number of programmes covered by the broadcasting obligation

Section 2. The broadcasting obligation in accordance with the first paragraph does not cover more than four programmes broadcast simultaneously by licence holders whose operations are financed by television fees pursuant to the Act on Financing of Public Service Radio and Television (1989:41).

Technology to be used in retransmissions

Section 3. In a network where television broadcasts take place using both analogue and digital technology, retransmission of at least two programmes referred to in section 2 shall take place using analogue technology if they are being transmitted or have been transmitted using analogue technology. In other cases retransmission may be carried out using digital technology.

Exemption from broadcasting obligation

Section 4. The broadcasting obligation pursuant to the section 1 paragraphs 1 and 2 do not include broadcasts based on licences to re-transmit according to Chapter 4 section 7.

Broadcast frequency for TV programmes from local cable transmission organisations

Section 5. Any natural or legal person owning or otherwise controlling a cable transmission network in which television programmes are relayed to the general public and reach more than 100 homes connected to that network as their primary means of receiving television broadcasts, shall provide, without charge, specifically determined frequencies for television programme broadcasts of TV programmes by one or more cable broadcasting organisations appointed by the Broadcasting Authority for each municipality in which the natural or legal person has such a network.

In networks where TV is broadcast with analogue and digital technology, frequencies must be provided to local cable transmission organisations with both analogue and digital technology.

Requirements for local cable transmission organisations

Section 6. A local cable transmission organisation shall be a legal person formed to conduct local cable transmissions and which may be required to permit the expression of a variety of interests and opinions in its operations.

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

The appointment of local cable transmission organisations by the Broadcasting Authority shall be limited to three years.

Exemptions

Section 7 The Broadcasting Authority may grant an exemption from the obligations pursuant to sections 1-3 and 5, if there are special reasons to do so.

Radio broadcasts

Chapter 10. Licensing requirements

When a licence is required

Section 1. In order to broadcast radio programmes using radio waves, a licence is required pursuant to this Act if

1. the broadcast is on frequencies of below 30 megahertz that according to international agreements binding on Sweden, are intended for radio broadcasts, or
2. the broadcast is on frequencies between 87.5-108 megahertz, 174-240 megahertz or 470-790 megahertz.

Section 2. A licence according to section 1 is not required for broadcasts that are especially adapted to visually impaired persons, and that take place for no more than four hours a day from radio transmitters used for broadcasts for which a licence has been issued pursuant to this Act.

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

Chapter 11. Licence to broadcast radio programmes other than community radio and commercial radio

Grantor of licences

Section 1. Licences to broadcast radio programmes are granted by the Government if broadcast operations are financed by radio and TV fees according to the Act on Financing of Public Service Radio and Television (1989:41). The Government also grants licences to broadcast radio to places outside of Sweden.

The Broadcasting Authority may grant licences to broadcast radio that is not community radio or commercial radio, for a limited period of not more than two weeks. The Authority may decide that Chapters 14 and 15 shall not apply to broadcasts implemented under such a licence.

If there are special reasons to do so, the Government may grant a licence to broadcast radio in local broadcasts that do not fulfil the requirements for community radio or commercial radio.

The significance of a licence

Section 2. A licence to broadcast radio includes the right to broadcast simultaneously in every area the number of media services that the licence indicates during the hours stated in the licence.

Licence conditions

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

A licence, in addition, may be conditioned on the obligation to

- 1. broadcast the programme throughout Sweden or to a certain part of the country,*
- 2. broadcast for a certain minimum time,*
- 3. simultaneously broadcast a certain minimum number of programmes in each area,*
- 4. provide frequencies for broadcasts especially adapted for persons with visual impairments according to Chapter 10 section 2, and devise the broadcasts in such a way so as to be accessible for persons with functional impairments,*
- 5. provide frequencies for broadcasts based on licences issued by the Government,*
- 6. utilise a specific transmission technology,*
- 7. cooperate with other licence holders in technical matters with the aim of promoting accessibility and competition,*
- 8. utilise certain radio transmitters,*
- 9. take into consideration the special impact of radio and television broadcasting as regards programme content and formulation, and the time at which the programme is broadcast,*
- 10. take into account the provisions regarding rectification contained in Chapter 5 section 4 paragraph 1,*
- 11. broadcast replies,*
- 12. respect individuals' right to privacy in broadcast operations,*
- 13. broadcast a diversified range of programmes,*
- 14. broadcast and produce programmes on a regional basis,*
- 15. broadcast announcements which are of importance for the general public, without charge, if so requested by a public authority,*
- 16. devise broadcasts in a manner that ensures reception is not confined to a limited section of the general public in the transmission area, and*
- 17. prepare a contingency plan for the operations during a high-level alert and in conjunction with exceptional circumstances in peacetime, and submit the plan to the Government and to a public authority determined by the Government.*

Term of the licence

Section 4. A licence issued by the Government to broadcast radio programmes will apply for a specific time as determined by the Government.

A licence that has been issued for a period of at least four years can be extended with unchanged conditions for an additional four years if the licence holder so wishes and the Government has not announced at least two years prior to the expiry of the term of the licence that the licence will not be extended or that the Government wishes to change the conditions

Statement regarding licensing conditions

Section 5. Before a decision is announced regarding a licence, the applicant is to be given an opportunity to access, and express an opinion on, the conditions that the Government or the Broadcasting Authority intends to apply to the licence.

Decisions to grant broadcasting licences may not contain programme-related conditions other than those accepted by the applicant.

Chapter 12 Licence to broadcast community radio

Grantor of licences

Section 1. The Broadcasting Authority grants licence to broadcast community radio.

Possibilities to broadcast community radio

Section 2. If an association entitled to receive a licence in accordance with Section 4 so requests and it is technically feasible, it shall be given the opportunity to broadcast community radio programmes in a municipality.

If there are special reasons, more than one community radio programme may be broadcast simultaneously in the municipality.

Transmission areas

Section 3. A transmission area for community radio is to be restricted to not more than one municipality. Outside of metropolitan areas, efforts should be made to ensure that transmissions can be received throughout the municipality.

In exceptional cases, the Broadcasting Authority may approve transmission areas that are larger than a single municipality.

Associations that can obtain a licence

Section 4. A licence to broadcast community radio can only be granted to the following legal entities, namely

1. *not-for-profit associations with ties to the transmission area,*
2. *registered religious organisations and registered organisational components of registered religious organisations with ties to the transmissions area, or*
3. *community radio associations.*

When making an assessment of whether a not-for-profit association has a tie with the

Transmission area, special consideration shall be given to where

1. *the association's studio and other operating premises are located,*
2. *the person legally responsible for the broadcast and the association's board members reside, and*
3. *the general meeting of the association and board meetings are held.*

Requirement of a natural person responsible for content

Section 5. A licence to broadcast community radio may only be issued after an association has designated a natural person responsible for content in accordance with the Fundamental Law on Freedom of Expression.

Impediments to receiving a licence

Section 6. A licence to broadcast community radio may not be issued to the holder of a licence to broadcast commercial radio.

The broadcasting licence for community radio shall not be valid if the licence holder obtains a licence to broadcast commercial radio.

The licence to broadcast community radio ceases to be valid as from the date on which broadcasts are permitted pursuant to the licence to broadcast commercial radio.

Broadcast times

Section 7. If the licence holders cannot agree on the allocation of broadcast times, the Broadcasting Authority will determine the broadcast times. The same shall apply if a licence holder requests that the Authority should adopt an entire broadcast schedule.

The licence holder that can be deemed to have the greatest interest in broadcasting at a given time shall be given priority.

The Broadcasting Authority's decision regarding broadcast times shall continue in force until the Authority shall issue a new decision, or until a licence holder or community radio association notifies the Authority that the licence holders have agreed on another broadcast time.

Section 8. The Broadcasting Authority may decide that a broadcast time may not be used by anyone else during a period of at least three months, if a holder of a licence to broadcast community radio, who has received an order with a conditional fine according to this Act, gives up broadcast time or surrenders its broadcast licence. A responsible entity for community radio may not be used for other broadcasts for which a licence is required pursuant to this Act.

Term of the licence

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

Chapter 13. Licence to broadcast commercial radio

Grantor of licences

Section 1. A licence to broadcast commercial radio is granted by the Broadcasting Authority.

Analogue commercial radio

Transmission areas

Section 2. The Broadcasting Authority shall determine the boundaries of the transmission areas for analogue commercial radio in light of

- 1. what is technically possible for reach from a transmitter in a suitable location,*
- 2. how the possibilities to receive broadcasts are affected in other areas, and*
- 3. what are natural local areas of interest.*

The transmission areas should be designed so that a large number of licences can be granted. Several licences can be granted for the same transmission area.

Section 3. A licence to broadcast analogue commercial radio means the right to operate broadcasts that can be received with good audibility within the transmission area indicated in the licence.

Qualifications for obtaining a licence

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

The State, a county council or a municipality may not hold a licence to broadcast analogue commercial radio, whether directly or indirectly through

- 1. a company in which one or more subject has an interest totalling at least twenty per cent of all the shares or participation, or has sole determining influence as a result of an agreement, or*
- 2. a company that according to Chapter 1 section 4 of the Annual Accounts Act (1995:1554) is a subsidiary to a company described in paragraph 1.*

Section 5. No one is allowed to hold more than one licence to broadcast analogue commercial radio within a transmission area, unless there are special grounds for this.

Application

Section 6. When a frequency becomes available in a given area, the Broadcasting Authority shall announce this publicly. The announcement must state the final application date for the licence, the earliest date on which broadcasts may be made pursuant to the licence, and the extent of the transmission area.

In an application for a licence to broadcast analogue commercial radio, the applicant shall state the amount it is willing to pay as a broadcast fee. The broadcast fee should be stated as a lump sum for the entire term of the licence.

The Government or the authority designated by the Government will issue regulations regarding the application procedure and the content of applications.

Parties' right to access information

Section 7. In a matter described in section 6, the provisions of Administrative Procedure Act (1986:223) regarding the right of parties to access information shall not apply to information that relates to another applicant.

Selection of grantee of licence

Section 8. A licence to broadcast analogue commercial radio should be granted to the applicant who fulfils the requirements of section 4, and who has offered the highest broadcast fee.

If two applicants have offered the same amount, the issue of who is to be granted the licence shall be determined by lot.

Conditions

Section 9. A licence to broadcast analogue commercial radio may be made subject to conditions that impose an obligation to

1. *broadcast the programme in a certain part of the transmission area or to reach a certain part of the population with the area,*
2. *broadcast for a certain minimum time,*
3. *utilise a specific transmission technology, and cooperate with other licence holders on technical matters, and*
4. *use a certain technique for the recording described in chapter 16 section 11.*

Prior to making a decision to grant a licence, the Broadcasting Authority shall give the applicant an opportunity to access, and express an opinion on, the conditions which the Authority intends to stipulate for the licence.

Payment of broadcast fee

Section 10. The party who has obtained a licence to broadcast analogue commercial radio shall pay the broadcast fee stated in the application.

Section 11. The obligation to pay the broadcast fee commences on the day broadcasts pursuant to the licence are allowed to begin.

Interest

Section 12. Interest shall be paid on the broadcast fee from the day stated in section 11. The interest shall be calculated in a manner indicated in section 6 of the Interest Act (1975:635).

When payment is considered completed

Section 13. The broadcast fee and interest shall be paid by depositing the amount in the special account indicated by the Broadcasting Authority. Payment shall be deemed to have been completed on the day the amount has been posted to the account.

Enforcement

Section 14. Decisions regarding the broadcast fee and interest can be enforced if the fee or interest is due but not paid.

Liability to pay and collection

Section 15. In the case of the fee and interest mentioned in section 14, Chapter 12 section 6 paragraph 1, section 7, section 12 paragraph 1, and section 13 shall apply, as well as Chapter 20 of the Tax Payment Act (1997:483).

Partners in a partnership

Section 16. The Broadcasting Authority shall decide issues regarding the liability of partners in a partnership for the broadcast fee according to Chapter 2 section 20 of the Partnership and Non-registered Partnership Act (1980:1102).

If a decision has been made pursuant to the first paragraph, the provisions relating to the liability of licence holders shall apply to partners who are liable, and the provisions regarding the broadcast fee shall apply to amounts for which the partner is liable.

Deferment for payment broadcast fee and interest

Section 17. If there is reason to do so, the Broadcasting Authority may grant a deferment for the payment of the broadcast fee and interest.

Transfer of licence

Section 18. A licence to broadcast analogue commercial radio may be transferred if this is approved by the Broadcasting Authority. This approval may only be granted if the acquiring party satisfies the conditions in section 4 paragraph 2.

If the acquiring party already has a licence in the same transmission area to which the transfer relates directly or indirectly through a company in which the acquiring party has an interest corresponding to twenty per cent of all the shares or interests, or has sole determining influence as a result of an agreement, the transfer should be allowed only if there are special reasons for doing so.

Section 19. A party that acquires a licence takes over the transferor's rights and obligations under this Act after the decision granting consent.

If the previous licence holder is subject to an order under Chapter 17 sections 11, indents 3 or 8, the order will also apply to the new licence holder. The Broadcasting Authority must notify the new licence holder of this condition in connection with approval of the transfer. Without this notification the order will not apply to the new licence holder. A conditional fine that has been imposed as part of the order shall not apply against the new licence holder

Payment of a broadcast fee for a subsequently void licence

Section 20. A licence holder who assigns its licence has no right to a return of any part of the broadcast fee that has been paid. The same applies if a licence

- 1. is revoked at the request of the licence holder pursuant to section 31,*
- 2. ceases to apply pursuant to section 32 as a result of the licence holder being declared bankrupt, commencing liquidation or dying, or*
- 3. has been revoked by the Broadcasting Authority pursuant to chapter 18 section 5.*

Section 21. The broadcast fee according to the Act is subject to Taxes, Customs Duties and Levies Securities Act (1978:880).

Digital commercial radio

Broadcast frequency

Section 22. The Government decides the broadcast frequencies to be allocated for digital commercial radio in various parts of Sweden.

Qualifications for obtaining a licence

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

- 1. has adequate financial and technical resources to broadcast during the entire term of the licence, and*
- 2. is prepared to cooperation with other licence holders on technical matters.*

No licence may be granted to parties described in section 4 paragraph 2.

Application

Section 24. When a frequency becomes available, the Broadcasting Authority shall announce this publicly. The Authority must state the final application date for the licence, the earliest date on which broadcasts may be made pursuant to the licence, and the extent of the frequency

The Government or the authority designated by the Government will issue regulations regarding the application procedure and the content of applications.

Fees

Section 25. The Broadcasting Authority may charge a fee to a party that applies for a licence to broadcast digital commercial radio or for an approval of a transfer of such a licence.

The fee should be equivalent to the Authority's costs for handling these matters.

Considerations in granting a licence

Section 26. The Broadcasting Authority when granting a licence to digital commercial radio, shall take into consideration the broadcasting frequencies are able to be utilised

- 1. for different media services so that broadcasts will appeal to a variety of interests and tastes,*
- 2. for national as well as local and regional media services, and*
- 3. by a number of broadcasters that remain independent of each other.*

Conditions

Section 27. In addition to the conditions set out in section 9, a licence to broadcast digital commercial radio may be made subject to conditions that impose an obligation to

- 1. broadcast a diversified range of programmes,*
- 2. devise broadcasts in such a way so that these are accessible to persons with functional impairments, and*

3. *not change* the ownership structure and influence within the enterprise that receives a licence more than to a limited extent.

Prior to making a decision to grant a licence, the Broadcasting Authority shall give the applicant an opportunity to access, and express an opinion on, the conditions which the Authority intends to stipulate for the licence.

Transfer of licence

Section 28. A licence to broadcast digital commercial radio may be transferred if this is approved by the Broadcasting Authority. This approval may only be granted if

1. *the acquiring party satisfies the conditions in section 23 paragraph 1,*
2. *the transfer will not increase the concentration of ownership among those with licences to broadcast digital commercial radio more than to a limited extent, and*
3. *the transfer will not cause a reduction of diversity in the range of diversity in media services requiring a licence.*

A transfer that is not approved is null and void.

Section 29. A party that acquires a licence takes over the transferor's rights and obligations under this Act after the decision granting approval.

If the previous licence holder is subject to an order under Chapter 17 sections 11, indents 3 or 8, the order will also apply to the new licence holder. The Broadcasting Authority must notify the new licence holder of this condition in connection with approval of the transfer. Without this notification the order will not apply to the new licence holder. A conditional fine that has been imposed as part of the order shall not apply against the new licence holder.

Common provisions

Term of the licence

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

If there are special reasons, the Swedish Radio and Television Authority may decide that a licence will be valid for a shorter time period.

Request for revocation of licence

Section 31. If a licence holder requests that the licence be revoked, the licence will be deemed to cease to be valid on the day the request has been received by the Broadcasting Authority, or on a later day indicated by the licence holder in the request.

Revocation of the licence due to bankruptcy, liquidate or death.

Section 32. If a licence holder is declared bankrupt or commences liquidation, the licence shall cease to be valid three months of the declaration of bankruptcy or the decision to commence liquidation. If the licence holder dies, the licence shall continue to be valid for three months after the date of death.

If a request for consent to a transfer of the licence has been received by the Broadcasting Authority before the licence terminates according to the first paragraph, the request will be considered.

Chapter 14. Content of radio broadcasts

General requirements

Section 1. A broadcaster of radio programmes licensed by the Government shall ensure that the overall media services reflect the fundamental concepts of a democratic society, the principle that all persons are of equal value and the freedom and dignity of the individual.

Improper promotion of commercial interests

Section 2. Radio programmes that are not commercial advertising may not improperly promote commercial interests. This means that programmes may not

- 1. promote purchases or rental of goods or services, or contain sales-promotional features, or*
- 2. promote a product or service in an improper manner.*

Advertising relating to issues

Section 3. In broadcasts subject to conditions of impartiality, there should not be any messages broadcast at the request of a third party, intended to gain support for political or religious opinions or opinions regarding issues on the labour market.

Chapter 3 section 1 characterises these messages as advertisements.

Programme range of community radio association

Section 4. A community radio association's programme range may contain only

1. *broadcasts from events of common interest to the licence holders,*
2. *information regarding municipal matters, to a limited extent,*
3. *information regarding programmes and programme schedules, as well as other information about local community radio activities, and*
4. *test broadcasts of programme, produced by legal entities that are eligible to obtain licences to broadcast community radio, but only do so for up to three months.*

Warning messages in commercial radio

Section 5. Warning messages that are of importance to the public, and that can protect persons, property or the environment, shall be broadcast free of charge by commercial radio, upon the request of a government agency.

Requirements for Swedish programmes in broadcasts supported by Government licence

Section 6. Radio broadcasts supported by Government licence shall contain a considerable proportion of programmes in the Swedish language, programmes with Swedish artists active in Sweden, and works by Swedes active in Sweden, unless there are special reasons to the contrary.

Requirements for broadcast designations

Section 7. A natural or legal person that broadcasts radio programmes according to this Act shall use a designation for its broadcasts which has been approved by the Broadcasting Authority. The designation must be mentioned at least once per broadcasting hour, or, if this is not possible, between the programmes.

Chapter 15. Commercial advertising, other advertisements and sponsorship

Advertising signals

Section 1. Before and after every instance of radio broadcasting of advertising, there should be a special signal that clearly differentiates the advertising from the rest of the broadcast.

The Government may grant exemptions from this obligation with respect to broadcasts to which the Government has granted a licence.

The provisions regarding the identification of commercial advertising can be found in section 9 of the Marketing Practices Act (2008:486).

Advertisement time for radio broadcasts

Section 2. Advertising in a radio broadcast may be broadcast no more than twelve minutes per hour between each full hour. If the broadcast time does not extend to one hour between full hours, advertising may be broadcast during up to fifteen per cent of each broadcast hour.

Information regarding on whose behalf an advertisement has been provided

Section 3. In the case of an advertisement that is not commercial advertising, and appears in a radio broadcast, it should be made clear as to in whose interests this is being done.

Persons who may not appear in advertising

Section 4. Individuals who play a prominent role in radio broadcasts that primarily involve news or news commentaries may not appear in advertising.

Commercial advertising for alcohol and tobacco

Section 5. The provisions prohibiting commercial advertising for alcoholic beverages and tobacco products are found in Chapter 4 of the Alcohol Act (1994:1738) and in section 14 of the Tobacco Act (1993:581).

Commercial advertising for medicinal products

Section 6. Prohibitions against certain types of marketing of medicinal products can be found in the Medicinal Products Act (1992:859). The Medicinal Products Act provides that its provisions are under the supervision of the Medical Products Agency.

Exception for provider's self- advertising

Section 7. The provisions of this chapter do not apply to commercial advertising that a provider of media broadcasts advertising for its own programmes.

Programmes that may not be sponsored

Section 8. Radio programmes that mainly concern the news or contain news commentary may not be sponsored.

Persons not allowed to sponsor programmes

Section 9. Radio programmes may not be sponsored by any party whose principal activity is the manufacture or sale of alcoholic beverages and tobacco products.

When sponsorship messages must be communicated

Section 10. A media services provider of a sponsored radio programme is required to indicate who has contributed to the financing. Such a message should be communicated in an appropriate manner at the beginning and at the end of the programme or at one of these times.

The sponsorship message should not contain sales-promoting features.

Common provisions

Chapter 16. Review and supervision

Review by the Chancellor of Justice

Section 1. The Chancellor of Justice monitors through post-broadcast review whether programmes that have been broadcast on TV or provided through on-demand TV contain portrayals of violence or pornographic images in violation of Chapter 5 sections 2 or 3.

Review by the Broadcasting Commission

Section 2. The Broadcasting Commission monitors through post-broadcast review whether programmes that have been broadcast on TV or radio or provided through on-demand TV comply with this Act and the programme-related conditions that can apply to those services. The Commission also monitors compliance with the provisions regarding accessibility in Chapter 5 section 12 if the decision has been issued by the Government.

Broadcasts that are provided under a retransmission licence according to Chapter 4 section 7 should not be reviewed by the Broadcasting Commission.

If the Broadcasting Commission finds that a broadcast or a provided service contains portrayals of violence or pornographic images in violation of Chapter 5 sections 2 or 3, the Commission shall notify the Chancellor of Justice.

Supervision by the Broadcasting Authority

Section 3. The Broadcasting Authority monitors the broadcasters' compliance with the conditions issued based on Chapter 4 section 9, paragraph 2, indentations 1-3, 5-8, 16 and 17, as well as Chapter 13 section 9 and section 27 paragraph 1 indentation 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 in the event a decision regarding accessibility has been issued by the Authority

Supervision by the Consumer Ombudsman

Section 4. The Consumer Ombudsman monitors compliance with the provisions regarding commercial advertising in Chapter 8 section 7 paragraph 1, sections 8 and 9, section 14 paragraphs 1 and 2, and Chapter 15 section 4.

Reports regarding European works

Section 5. Any natural or legal person that broadcasts television TV in other ways than through cable shall report to the Broadcasting Authority every two years, beginning in 2011, how large a share of their programme activities has consisted of programmes described in Chapter 5 section 7 paragraph 1.

Section 6. Any natural or legal person that provides on-demand TV other than through cable shall report to the Broadcasting Authority every four years beginning in 2011 what has been done to promote the production of and access to European works according to Chapter 5 section 8.

Obligation to submit information for those transmitting TV programmes via a satellite

Section 7. At the request of the Broadcasting Authority, any person transmitting TV programmes via satellite must provide information regarding the owner of the company and the manner in which operations are financed.

Obligation to submit information for satellite operators

Section 8. At the request of the Broadcasting Authority, a satellite operator must provide information regarding its client, the client's address, the programme service's designation and the manner in which satellite transmissions are carried out.

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

Section 9. At the request of the Broadcasting Authority or the Consumer Ombudsman, any person that carries on operations that require a licence according to the Act must provide

the authorities with the information and documents necessary to verify that operations are being conducted in accordance with this Act as well as the conditions and provisions issued pursuant to this Act.

Other obligations to submit information

Section 10. At the request of the Broadcasting Authority, any natural or legal person that carries on operations that require a licence according to the Act must provide the Authority with the information required in order to enable the Authority's Broadcasting Commission to determine the amount of the special fee pursuant to Chapter 17 section 6.

Obligation to provide recorded programmes

Section 11. Any natural or legal person who 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) has recorded a program, shall at the request of the Broadcasting Authority or the Consumer Ombudsman submit such a recording to the Authority free of charge.

Obligation to report for those who hold a licence to broadcast commercial radio

Section 12. Any natural or legal person that holds a licence to broadcast digital commercial radio must annually submit a report to the Broadcasting Authority regarding that person's fulfilment of the obligations referred to in Chapter 13 Section 27 paragraph 1 indents 1 and 2.

Notification by those who have acquired an exclusive right

Section 13. Any natural or legal person that has acquired exclusive broadcasting rights to an event referred to in Chapter 5 section 9 must immediately notify the Broadcasting Authority with respect thereto.

The Broadcasting Commission

Section 14. The Broadcasting Commission consists of a chairman and six other members. The Government shall determine the number of deputy members. At least one of the members or deputy members shall be a vice-chairman. The chairman and vice-chairman shall be active or former permanent judges.

A quorum of the Broadcasting Commission is present if the chairman or a vice-chairman and three other members are present. However, issues which are obviously neither of major importance nor significant as a matter of principle, may be determined by the chairman or a vice-chairman.

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

Cooperation between authorities

Section 15. If a television broadcast wholly or primarily directed to Sweden by a broadcaster established in another EEA State contravenes Chapter 6 section 2 paragraph 2 indents 1 or 2 regarding product placement of alcoholic beverages or Chapter 7 section 2 regarding the prohibition on programmes sponsored by any party whose primary business is to manufacture alcoholic beverages, a competent regulatory authority in Sweden shall contact a competent regulatory authority in the other EEA State in order to request the broadcaster to comply with the provision.

The same applies if the TV broadcast mentioned in the first paragraph above contravenes Chapter 8 section 7 or 8, or Chapter 4 section 10 of the Alcohol Act (1994:1738).

If the broadcaster fails to comply with the request in the first paragraph, the authority may take actions against the broadcaster according to Chapter 16 section 10 section, Chapter 17 sections 5 and 6, as well as sections 29 and 48 of the Marketing Practices Act (2008:486) in the event the broadcaster in question has established itself in that country in order to circumvent the stricter rules that would have applied had it established itself in the country whose authorities would take action. The authority may not take action until it has notified the European Commission and the Member State affected, and the Commission has decided that the actions are compatible with EU law.

Section 16. If a competent regulatory authority in another EEA State has submitted a justified request, a competent Swedish authority should request a broadcaster under Swedish jurisdiction to comply with the provisions of the other EEA State if:

- 1. the broadcaster provides a TV broadcast that is wholly or primarily directed to the other EEA State, and*
- 2. there has been a violation of a provision in the public interest that is stricter than the provisions of the AV Directive.*

Provisions regarding the right of an individual to gather and publish information and a prohibition against censorship can be found in Chapter 1 sections 2 and 3 of the Fundamental Law of Freedom of Expression.

Section 17. The Government or the authority designated by the Government is empowered to issue more detailed regulation regarding cooperation between authorities according to sections 15 and 16.

Chapter 17. Penalties, special fees and conditional fines

Broadcasting without a licence

Section 1. A natural or legal person that intentionally or as a result of negligence broadcasts programmes without a licence when a licence is required under this Act will be fined or sentenced to imprisonment for a maximum term of six months.

Broadcasting from the open seas

Section 2. A natural or legal person that intentionally or negligently broadcasts from a radio station on the open sea or in the air space above it, or establishes or owns such a station, will be fined or sentenced to imprisonment for a maximum term of six months if

- 1. the broadcast is intended to be received or can be received in a signatory country of the European Agreement for the prevention of broadcasts transmitted from stations outside national territories, or*
- 2. the transmission has detrimental effects on the use of radio in any of these countries.*

A natural or legal person that commits such an offence abroad will be tried, if he or she is located in Sweden in accordance with this Act in a Swedish court, even if Chapter 2 Section 2 or 3 of the Penal Code is not applicable and notwithstanding Chapter 2 Section 5 a paragraphs 1 and 2 of the Penal Code.

Prosecution may only be initiated pursuant to an order by the Government or a public authority determined by the Government against

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

Notification violations

Section 3. A natural or legal person who intentionally or negligently fails to fulfil the notification requirement under Chapter 2 Section 3 will be fined.

Confiscation

Section 4. Property which has been used in connection to crimes according to Section 2 shall be declared forfeited, unless it is manifestly unreasonable. The value of the property may be forfeited in lieu of the property. The proceeds from the offence are also forfeited, unless manifestly unreasonable.

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

Obligation to pay a special fee

Section 5. A natural or legal person that disregards the provisions and conditions set forth in this Section may be ordered to pay a special fee. This applies to

1. *conditions regarding advertising, sponsored programmes and product placement stipulated under Chapter 4 Section 10,*
2. *the provisions regarding the improper promotion of commercial interests in accordance with Chapter 5 Section 5 and Chapter 14 section 2,*
3. *the provisions regarding advertising other than commercial advertising in Chapter 5 Section 6, Chapter 8 sections 6 and 9, Chapter 14 section 3, and Chapter 15 sections 3 and 4,*
4. *the provisions regarding exclusive rights in Chapter 5 Section 9.*
5. *the provisions regarding product placement in Chapter 6*
6. *the provisions regarding sponsorship in Chapter 7, as well as in Chapter 15 Sections 8-10,*
7. *the provisions regarding advertising in Chapter 8 sections 1-5, section 7 paragraph 2, section 10, as well as Chapter 15 sections 1 and 2.*
8. *the provisions regarding virtual advertising and electronic company signs in Chapter 8 sections 11 and 12, or*
9. *the provisions regarding commercial advertising in Chapter 8 Section 15.*

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

The fee shall accrue to the State.

Amount of the special fee

Section 6. The special fee will be not less than five thousand kronor and not more than five million kronor. However, the fee should not exceed 10% of the broadcaster's annual turnover during the preceding financial year.

In determining the amount of the fee, special consideration shall be given to the circumstances which constituted the basis for determining whether a fee shall be imposed and the estimated revenues of the broadcaster as a result of the offence.

When and to whom the special fee should be paid

Section 7. The special fee shall be paid to the Broadcasting Authority within thirty days of the judgement gaining legal force.

Collection of unpaid fees

Section 8. Upon failure to pay the special fee within the time stipulated in Section 7, the Broadcasting Authority shall refer the unpaid charge for collection. Collection shall proceed in accordance with the provisions of the Collection of State Receivables Act (1993:891).

Actions considered unfair according to the Marketing Practices Act (2008:486)

Section 9. In the application of Sections 5, 23, and 26 of the Marketing Practices Act (2008:486), an act that contravenes Chapter 8 Sections 7 paragraph 1 and 8 and 9, section 14 paragraphs 1 and 2 and Chapter 15 section 4 is considered as unfair marketing to consumers.

Such an act may result in the imposition of a fee for disruptive marketing practices under the provisions of Sections 29-36 of the Marketing Practices Act (Act 2008:498).

Publication of the decisions of the Broadcasting Commission

Section 10. If the Broadcasting Commission has found that a natural or legal person has failed to observe programme-related conditions decided upon under Chapter 4 sections 8 and 9, Chapter 11 section 3 or the provisions regarding rectification in Chapter 5 section 4 paragraph 1, the Commission may order the broadcaster to publicly announce the Commission's decision in an appropriate manner. This decision, however, may not prescribe that publication must take place in the broadcaster's programmes.

The decision may contain an order subject to a conditional fine.

Order to comply with provisions

Section 11. If a natural or legal person fails to comply with the provisions indicated in this section or with the decisions issued based on those provision, orders necessary in the case in question in order to secure compliance with the provisions may be issued. An order may be subject to a conditional fine.

This relates to provisions regarding

- 1. warnings (Chapter 2 section 2),*
- 2. licence conditions according to Chapter 4 sections 1-4, 6-9 and 16 as well as Chapter 11 section 3 paragraph 2 indents 1-3, 5-8 and 16,*
- 3. designations (Chapter 5 section 11 and Chapter 14 section 7),*
- 4. obligation to devise television broadcasts, on-demand TV or Teletext in such a manner so that the programmes will be accessible for persons with functional impairments according to Chapter 5 section 12, and decisions issued based on that provision,*
- 5. transmission obligations or obligation to provide channels for local cable transmission companies (Chapter 9 sections 1-3 and 5),*
- 6 .content of community radio broadcast (Chapter 14 section 4),*

7. *obligation to provide certain information to the Broadcasting Authority (Chapter 16 sections 5-8),*
8. *obligation to provide information according to Chapter 16 section 9,*
9. *obligation to provide information to the Broadcasting Authority according to Chapter 16 section 10,*
10. *obligation to provide recordings according to Chapter 16 section 11, or*
11. *obligation to file annual reports with the Broadcasting Authority according to Chapter 16 section 12.*

Orders pursuant to the first paragraph indents 1, 3, 4, 6, 8 and 9 may be issued by the Broadcasting Commission. Orders to the first paragraph indents 2, 4, 5, 7, 8, 10 or 11 may be issued by the Broadcasting Authority.

Orders pursuant to the paragraph 1 indents 8 or 10 may also be issued by the Consumer Ombudsman.

Order prohibiting those with licences to broadcast community radio

Section 12. In an order, the Broadcasting 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.

Order for those broadcasting portrayals of violence or pornographic images

Section 13. If a natural or legal person repeatedly broadcasts portrayals of violence or pornographic images on television at times and in a manner referred to in Chapter 5 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 same shall apply to a natural or legal person who repeatedly supplies on-demand TV in a manner described in Chapter 5 section 3. The order may be issued subject to a conditional fine.

Orders for satellite operators

Section 14. If a natural or legal person that transmits by satellite is not established in Sweden in accordance with Chapter 1 Section 3 paragraph 1 indents 1 or 4, the Broadcasting Commission may issue the orders necessary in the case in question in order to secure compliance with the provisions and conditions in section 5. This order may be subject to a conditional fine.

Orders according to sections 11 or 13 may be directed to a satellite operator, if the party transmitting via satellite is not established in Sweden in accordance with Chapter 1 Section 3 paragraph 1 indents 1 or 4

If the satellite operator shows that the natural or legal person transmitting by satellite has obtained access to the means of transmission as the result of a concession by one of the satellite contractor's clients without the satellite contractor's approval, orders in accordance with the first or second paragraph may be directed at the client instead.

Chapter 18. Revocation of licence

When a licence should be revoked

Section 1. A licence to broadcast TV, Teletext or radio programmes shall be revoked at the request of the licence holder. A licence may also be revoked according to sections 2-5 and 7, or changed according to sections 2 and 7.

Revocation and change of a licence to broadcast TV, Teletext or a licence issued by the Government to broadcast radio programmes

Section 2. A licence to broadcast TV or Teletext or a licence granted by the Government to broadcast radio programmes may be revoked if

1. *the licence holder materially violated Chapter 5 section. 1, 2, 4-6 and section 12, Chapters 6, 7 and Chapter 8 sections 1-14 , Chapter 14 sections 1-3 or Chapter 15, or*
2. *a condition to which the licence is subject, according to Chapter 4 sections 8-11 or Chapter 11 section 3 have been ignored in a material manner.*

A licence to broadcast TV or Teletext or a licence issued by the Government broadcast radio programmes may be changed to indicate other broadcast frequencies, if

1. *changes in radio technology or changes in the use of radio due to international agreements to which Sweden is a signatory or regulations adopted with the support of the treaty on the Treaty on the Functioning of the European Union result in the inability to issue a new licence under the same conditions, or*
2. *it is necessary to provide frequencies for more broadcasts.*

Revocation of licence to broadcast community radio

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

1. *no longer fulfils the requirements of Chapter 12 Section 4, or*
2. *has not utilised the right to broadcast community radio for three consecutive months.*

A licence to broadcast community radio may also be revoked if a court has ruled that a programme constituted an offence against freedom of expression which entails a serious

abuse of freedom of expression. It is the court that made the decision regarding the violation of freedom of expression that will decide on revocation of the licence in such a case.

Section 4. A decision to revoke a licence to broadcast community radio may include a ruling that the licence holder may not be granted a new licence for a maximum period of one year.

In cases referred to in Section 3 paragraph 2, the court may decide that the licence holder may not be granted a new licence within a maximum period of one year or, if there are exceptional circumstances, not more than five years. This also applies if, at the time the offence against freedom of expression was committed, the licence holder did not have a licence to broadcast community radio at the time of the judgement.

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

Revocation of licence to broadcast commercial radio

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

- 1. the licence holder has not commenced broadcasting operations within six months of the initial date of the licence,*
- 2. the licence holder has not utilised the right to broadcast or has only broadcast to an insignificant extent for at least four consecutive weeks,*
- 3. the licence holder has significantly contravened one of the provisions in Chapter 14 Section 2, and Chapter 15 sections 1-4 and, 5, 8-10, or*
- 4. a court has ruled that a programme constitutes an offence against freedom of expression entailing serious abuse of freedom of expression.*

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

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

If the state, a county council or municipalities have a licence to broadcast commercial radio in the manner stated in Chapter 13 Section 4 paragraph 2, the Authority will revoke such a licence.

Revocation of appointment as local cable transmission organisation

Section 6. The appointment of a local cable transmission company may be revoked if there have been no transmission operations, or if such operations have only been carried out to an insignificant extent for at least three consecutive months.

What should be considered when a licence is to be revoked or changed

Section 7. A decision on revocation of a licence pursuant to Sections 2-5 may only be issued if, in giving due consideration to the reasons for the measure, it does not appear to be overly severe.

A decision on changes to a licence pursuant to Section 2 paragraph 2 indents 2 may only be issued if the licence holder's rights in accordance with Chapter 4 Section 4 can be safeguarded.

Chapter 19. Procedures for special fees, conditional fines and revocation etc.

Authority determining cases regarding revocation and changes of a licence

Section 1. Cases of revocation of licences due to violations of conditions issued based on Chapter 4 section 8, sections 9, 10-12, Chapter 11 section 3 paragraph 1 or paragraph 2 indents 9-12 and due to violations of Chapter 5 sections 1, 2 and 4 or Chapter 14 section. 1, upon the application of the Chancellor of Justice shall be adjudicated by a court of general jurisdiction.

In other cases, matters concerning the revocation of licences are to be considered by the Broadcasting Authority.

Cases concerning changes to licences to broadcast television programmes or licences granted by the Government to broadcast radio programmes will be adjudicated by the body that issued the licence.

Initiating a question of revocation

Section 2. If a licence has been issued by the Government, revocation may only be considered following an application by the Government unless the licence holder himself has requested that the licence be revoked.

If the licence was issued by the Broadcasting Authority, the question of revocation may be initiated

- 1. on request by the licence holder*
- 2. on the initiative of the body empowered to try the issue, or*

3. *after a report by the Broadcasting Commission due to contravention of provisions in this Act, or due to conditions for the licence that shall be examined by the Broadcasting Commission pursuant to Chapter 16 Section 2.*

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

Before the Broadcasting Authority issues a decision on a case of revocation due to contravention of the provisions in this Act or of conditions for a licence which will be considered by the Broadcasting Commission in accordance with Chapter 16 Section 2, an opinion by the Commission must be obtained. The licence may only be revoked if the Commission finds that the contravention is significant.

Provisions regarding the trial

Section 3. The provisions applicable to freedom of expression apply to cases covered by the paragraph 1 of Section 1. The relevant sections of these provisions concerning the defendant are to be applied to the natural or legal person to which the revocation is directed. The jury's deliberations are to relate to the question of whether revocation is to be implemented.

The court may order that the judgement shall apply also during the period before it gains legal force.

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

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 natural or legal person to which the claim is directed was not served with the application within five years after the contravention ceased. A decision regarding a special fine lapses if the decision is not implemented within five years of the date on which the judgement gained legal force.

Determining the issues regarding imposition of conditional fines

Section 5. Issues concerning the enforcement of conditional fines ordered by the Office of the Chancellor of Justice in accordance with Chapter 17 Section 13 are to be adjudicated by a court of general jurisdiction following an application by the Office of the Chancellor of Justice. The provisions applicable to freedom of expression apply to legal proceedings in such cases. The relevant sections of these provisions concerning the defendant are to be applied to the natural or legal person upon which the penalties are imposed. The jury's deliberations shall relate to the issue of whether the conditional fine shall be enforced.

In other cases, issues regarding enforcement of conditional fines shall be adjudicated in accordance with general provisions regarding conditional fines.

Chapter 20. Appeal

Decisions regarding television broadcasts, Teletext and community radio

Section 1. Decisions by the Broadcasting Authority pursuant to this Act may be appealed to a general administrative court if the decision concerns

1. *a licence to broadcast TV, Teletext or community radio,*
2. *allocation of broadcast time with respect to community radio,*
3. *change or revocation of licence, or*
4. *a decision not to permit the transfer of a licence to broadcast TV or Teletext.*

Decisions pursuant to the first paragraph enter into force immediately unless otherwise provided.

Decisions regarding commercial radio

Section 2. Decisions by the Broadcasting Authority regarding commercial radio may be appealed to a general administrative court if the decision regards

1. *rejection of an application for a licence,*
2. *refusal to grant consent to transfer a licence,*
3. *revocation of a licence, and*
4. *holding a partner in a partnership liable to pay according to Chapter 13 section 16.*

Cases regarding the appeal of decisions referred to in the paragraph 1 indents 1 and 3 should be heard on an expedited basis.

Decisions referred to in the paragraph 1 indents 2 and 3 enter into force immediately unless otherwise provided.

Other decisions that may be appealed

Section 3. The following decisions by the Broadcasting Authority may be appealed to a public administrative court:

1. *decisions regarding designations according to Chapter 5 section 11 and Chapter 14 section 7,*
2. *decisions according to Chapter 5 section 12 regarding accessibility for persons with functional impairments.*
3. *appointment of local cable transmission organisations according to Chapter 9 section 5,*
4. *decisions regarding the revocation of an appointment according to Chapter 18 section 6, and*

5. decisions according to Chapter 9 section 7 regarding exemptions from the broadcasting obligations and the obligation to supply broadcast frequencies to local cable transmission as organisations.

Decisions referred to in the paragraph 1 indents 2 and 3 enter into force immediately unless otherwise provided.

Imposition of conditional fines

Section 4. Decisions of the Broadcasting Authority, the Broadcasting Commission or the Consumer Ombudsman regarding orders subject to conditional fines according to Chapter 17 section 10, section 11 paragraph 1 and section 12 may be appealed to a public administrative court.

Orders according to Chapter 17 section. 10, section 11 paragraph 1 indents 2, 3, 6 and 8, as well as section 12, apply unless otherwise provided.

Leave to appeal to the Administrative Court of Appeal

Section 5. Leave to appeal is required when appealing a decision made by a public administrative court according to sections 1-4 to the Administrative Court of Appeal.

Decisions that may not be appealed

Section 6. Decisions of the Broadcasting Authority and the Broadcasting Commission other than those specified in sections 1-4 may not be appealed.

Transitional provisions 2010:696

1. This Act enters into force on 1 August 2010.
2. This Act repeals the Radio and TV Act (1996:844) and the Television and Radio Sector Act for Licence Fees (1992:72).
3. Licences to broadcast TV and radio granted pursuant to the Radio and TV Act (1996:844) will continue to be valid.
4. Natural or legal persons who have obtained a licence broadcast TV program pursuant to the Radio and TV Act (1996:844) have the right to also broadcast Teletext to a reasonable extent during the balance of the term of their licences.
5. The provisions of Chapter 6 shall apply to the provision of programmes produced after 1 August 2010.
6. Natural or legal persons who on 1 August 2010 hold a broadcast licence that has been extended pursuant to the Act containing temporary provisions regarding licences to broadcast local radio are entitled to continue to carry out broadcasts within the transmission area to which the licence applies until 1 August 2018. This type of license is only subject to conditions according to Chapter 13 section. 9 paragraph 1.
7. Natural or legal persons that broadcast commercial radio and are subject to the sixth indent shall pay a fee.
 - a) According to sections 15-17 of the repealed Radio Act (1993:120) if the licence was issued prior to 1 July 2001, or
 - b) According to section 4 b of the Television and Radio Sector Act for Licence Fees (1992:72) if the licence was originally issued after 1 July 2001.
8. Associations of students and colleges and universities that have received licences to broadcast community radio according to older laws shall be deemed from now to have obtained their licence pursuant to Chapter 12 section 4 paragraph 1, first indent. However the licence shall not apply for a given time.