

Swedish Radio and Television Act (2010:696)

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General Provisions

Chapter 1 Content and Scope of the Act

Content of the Act

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

General Provisions

- Content and Scope of the Act (Chapter 1)
- Information and Registration (Chapter 2)
- Definitions (Chapter 3)

Television Broadcasts, On-demand Television, Searchable Teletext and Video-Sharing Platforms

- Licensing Requirements (Chapter 4)
- Content of Television Broadcasts, On-Demand Television and Searchable Teletext (Chapter 5)

- Product Placement (Chapter 6)
- Sponsorship (Chapter 7)
- Advertising and Other Publicity, etc. (Chapter 8)
- Retransmissions on Cable Networks (Chapter 9)
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Audio Broadcasting and On-Demand Radio

- Licensing Requirements (Chapter 10)
- License to Transmit Audio Broadcasts Other Than Community Radio and Commercial Radio (Chapter 11)
- License to Broadcast Community Radio (Chapter 12)
- License to Broadcast Commercial Radio (Chapter 13)

- Content of Audio Broadcasting and On-Demand Radio (Chapter 14)
- Advertising, Other Publicity and Sponsorship (Chapter 15)

Common Provisions

- Auditing and Oversight (Chapter 16)
- Penalties, Special Fees and Fines (Chapter 17)
- License Revocation (Chapter 18)
- Procedure for Cases Involving Revocation, Special Fees and Fines etc.

(Chapter 19)

- Appeals (Chapter 20) *Act (2020:875)*.

Implementation of the AVMS Directive

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

Television Broadcasts and On-Demand Television

§ 3 The Act applies to television broadcasts and on-demand television that can be received in any state covered by the Agreement on the European Economic Area (EEA member state), if the media service provider

1. is established in Sweden in accordance with Article 2.3 of the AVMS Directive, as worded by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending the AVMS Directive in view of changing market realities,

2. neither meets the criterion under 1 nor is established in any other EEA State but uses a satellite uplink located in Sweden,

3. does not meet any of the criteria under 1 and 2, but uses a satellite capacity belonging to Sweden, or

4. does not meet any of the criteria under 1, 2, or 3, but is established in Sweden pursuant to Articles 49-54 of the Treaty on the Functioning of the European Union.

In addition to what is stipulated in the first paragraph, Chapter 2, § 3; Chapter 4, §§ 1-7, § 9, § 1-3, 6-9, and 16, and §§ 11-17; Chapter 5, § 13; and Chapters 16-20 also apply to any provider who is under the jurisdiction of another EEA State in accordance with Article 2 of the AVMS Directive, as worded by Directive (EU) 2018/1808. *Act (2020:875)*.

Video-Sharing Platforms

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

§ 4 For broadcasts through cable reaching 100 or fewer households, only Chapter 9, §§ 1-4 apply and in the Fundamental Law on Freedom of Expression only Chapter 1, §§ 10-13.

Act (2018:1921).

Audio Broadcasting via Satellite

§ 5 The Act applies to such transmissions of audio broadcasting via satellite that can be received in Sweden, if the person conducting the broadcasting activity is domiciled in Sweden or the transmission to satellite is made from a transmitter in this country.

Act (2012:702).

Exemption for Certain Audio in Television Broadcasting

§ 6 Regulations other than Chapter 4, § 10(1) on conditions for prohibiting the broadcasting of advertising and Chapter 8, § 15 on prohibiting the broadcasting of advertising do not apply to audio in a television broadcast if the audio is wholly consistent with audio broadcasting made with the support of a license under this Act or for which the broadcaster has registered.

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Chapter 3 Definitions

§ 1 The following definitions apply for the purposes of this Act:

1. publicity: advertising and other messages that without being advertising are broadcast on behalf of another party with the intention of promoting an item or idea;
2. split-screen advertising: broadcast of an advertisement simultaneously with another broadcast;
3. user-generated video: a set of moving images with or without sound, constituting a distinct element created by a user and uploaded to a video-sharing platform by that same user or any other user;
4. audiovisual commercial communication: product placement, sponsorship, advertising, sales program, or similar accompanying or included as part of a user-generated video or television program;
5. on-demand radio: a service by which a media service provider makes audio broadcasting programs available to the public by means of electronic communications networks for informational, entertainment, or educational purposes
 - a) at the request of the user,
 - b) at a time chosen by the user, and
 - c) from a catalog of programs selected by the provider;
6. on-demand television: a service by which a media service provider makes television broadcasting programs available to the public by means of electronic communications networks for informational, entertainment, or educational purposes
 - a) at the request of the user,
 - b) at a time chosen by the user, and
 - c) from a catalog of programs selected by the provider;
7. sales program: a program in which receivers of the program are offered the opportunity to order goods and services;
8. commercial radio: licensed audio broadcasts that
 - a) do not require authorization from the government,

b) may not only take place for a limited period of time in accordance with Chapter 11, § 1, para. 2, or

c) are not considered community radio;

9. media service provider: a party that

a) holds editorial responsibility for the selection of content in an audio or television broadcast, on-demand radio, on-demand television or searchable teletext, and

b) determines how the content is structured;

10. video-sharing platform provider: the party making a video-sharing platform available;

11. audio broadcasting: the broadcasting of audio radio programs by means of electronic communications networks that

a) are made available by a media service provider,

b) are directed to the general public, and

c) are intended to be received by technical means;

12. community radio: local audio broadcasts for association-related activities and registered religious communities;

13. community radio association: a coalition of multiple license holders within a broadcasting area for shared purposes related to community radio;

14. product placement: the appearance in a program or in a user-generated video of a good, service, or trademark when this occurs for marketing purposes and in return for payment or similar consideration to the provider of the media service or video-sharing platform, or to the party creating or uploading a user-generated video on a video-sharing platform, except where the good or service is of negligible value and has been provided free of charge;

15. broadcaster: a media services provider that provides audio broadcasts, television broadcasts, or searchable teletext broadcasts;

16. program service: a collective offering of audio broadcasting or television programs or searchable teletext broadcast under a common name;

17. advertising: any form of communication

a) that is broadcast either in return for payment or similar consideration or that constitutes self-promotion, and

b) that is intended as economic activity to market goods, services, real property, employment, or other benefits;

18. sponsorship: a contribution made by a party who does not provide or produce audio broadcasting, on-demand radio, television broadcasting, on-demand television, searchable teletext, video-sharing platforms or user-generated video to finance these services, programs, or videos, for the purpose of promoting the contributor's name, trademark, reputation, business, product, or interest;

19. broadcast directed to the general public: a broadcast that is simultaneously and without specific request available for anyone who wishes to receive it;

20. searchable teletext: a broadcast via electronic communications networks consisting primarily of text, graphics, or still images, with or without sound, that

a) is made available by a media service provider,

b) is directed to the general public,

c) is intended to be received by technical means, and

d) allows the user to personally select which part of the content he or she wishes to access and at what time this will take place;

21. television-program: program consisting primarily of moving images with or without sound that is part of a television broadcast or on-demand television;

22. television broadcast: a broadcast or transmission of a television program by means of electronic communications networks, where the broadcast

a) is made available by a media services provider,

b) is directed to the general public, and

c) is intended to be received by technical means;

23. video-sharing platform: a service where the primary purpose of the service or of an essential function thereof is, by means of electronic communications networks and for the purpose of entertainment or education, to provide the general public user-generated videos or television programs that the supplier of the services organizes but does not have editorial responsibility over;

24. virtual advertising: broadcast of communications that by electronic means are incorporated into the television image on fixed objects normally used for advertising, or on the ground where advertisements can be physically stationed. *Act (2020:875)*.

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Chapter 6 Product Placement

When Product Placement May Not Take Place

§ 1 Product placement in television broadcasts or in on-demand television may not occur in

1. news and community programs,
2. programs on consumer issues,
3. religious programs, or
4. programs primarily intended for children under twelve years of age. *Act (2020:875)*.

§ 2 Programs in television broadcasts or on-demand television may not include product placement for

1. alcoholic beverages or tobacco products,
2. other products originating from companies whose primary activity is the manufacture or sale of alcoholic beverages or tobacco products,
3. prescription medicinal products or such medical treatment only available by prescription,
4. infant formula,

5. gambling products from a company not holding the necessary license under the Gaming Act (2018:1138),

6. such electronic cigarettes and refill containers as referred to in the Act (2018:2088) on Tobacco and Similar Products and other products originating from companies whose primary activity is the manufacture or sale of electronic cigarettes or refill containers,

7. preparations resembling or similar to alcoholic beverages according to the Alcohol Act (2010:1622), or

8. tobacco-free nicotine products according to the Act (2022:1257) on Tobacco-Free Nicotine Products *Act (2022:1261)*.

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Chapter 7 Sponsorship

Programs That Cannot Be Sponsored

§ 1 Programs in television broadcasts, searchable teletext, or on-demand television that are mainly about news or contain news commentary may not be sponsored.

Who Cannot Sponsor Programs

§ 2 Programs in television broadcasts, searchable teletext, or on-demand television may not be sponsored by any party whose primary activity is the manufacture or sale of

1. preparations resembling or similar to alcoholic beverages according to the Alcohol Act (2010:1622),

2. tobacco products or such electronic cigarettes and refill containers as referred to in the Act (2018:2088) on Tobacco and Similar Products, or

3. tobacco-free nicotine products according to the Act (2022:1257) on Tobacco-Free Nicotine Products. *Act (2022:1261)*.

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Chapter 8 Advertising and Other Publicity, etc.

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Advertising of Alcohol, Tobacco, and Nicotine Products

§ 13 Provisions on prohibition of advertising of alcoholic beverages, preparations similar to, or resembling, alcoholic beverages, tobacco products, electronic cigarettes and refill containers as well as tobacco-free nicotine products are found in Chapter 7, § 3 of the Alcohol Act (2010:1622), Chapter 4, §§ 1 and 3 of the Act (2018:2088) on Tobacco and Similar Products, and § 11 of the Act (2022:1257) on Tobacco-Free Nicotine Products. *Act (2022:1261).*

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Chapter 9 Rebroadcasts on Cable Networks

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Marketing Bans in Other Legislation

§ 12 Provisions on prohibition of marketing are also found in the Alcohol Act (2010:1622), the Act (2013:1054) on Marketing of Infant Formula and

Follow-on Formula, the Medicines Act (2015:315), the Gaming Act (2018:1138), the Act (2018:2088) on Tobacco and Similar Products, and the Act (2022:1257) on Tobacco-Free Nicotine Products. *Act (2022:1261)*.

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Chapter 15 Advertising, Other Publicity and Sponsorship

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Advertising of Alcohol, Tobacco, and Nicotine Products

§ 5 Provisions on prohibition of advertising of alcoholic beverages, preparations similar to, or resembling, alcoholic beverages, tobacco products, electronic cigarettes and refill containers as well as tobacco-free nicotine products are found in Chapter 7, § 3 of the Alcohol Act (2010:1622), Chapter 4, §§ 1 and 3 of the Act (2018:2088) on Tobacco and Similar Products, and § 11 of the Act (2022:1257) on Tobacco-Free Nicotine Products. *Act (2022:1261)*.

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Who Cannot Sponsor Programs

§ 9 Programs in audio broadcasts may not be sponsored by any party whose primary activity is the manufacture or sale of

1. preparations resembling or similar to alcoholic beverages according to the Alcohol Act (2010:1622),
2. tobacco products or such electronic cigarettes and refill containers as referred to in the Act (2018:2088) on Tobacco and Similar Products, or
3. tobacco-free nicotine products according to the Act (2022:1257) on Tobacco-Free Nicotine Products. *Act (2022:1261).*