

# The Instrument of Government

## Chapter 1. Basic principles of the form of government

**Art. 1.** All public power in Sweden proceeds from the people.

Swedish democracy is founded on the free formation of opinion and on universal and equal suffrage. It is realised through a representative and parliamentary form of government and through local self-government.

Public power is exercised under the law.

**Art. 2.** Public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the individual.

The personal, economic and cultural welfare of the individual shall be fundamental aims of public activity. In particular, the public institutions shall secure the right to employment, housing and education, and shall promote social care and social security, as well as favourable conditions for good health.

The public institutions shall promote sustainable development leading to a good environment for present and future generations.

The public institutions shall promote the ideals of democracy as guidelines in all sectors of society and protect the private and family lives of the individual.

The public institutions shall promote the opportunity for all to attain participation and equality in society and for the rights of the child to be safeguarded. The public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the individual.

The opportunities of the Sami people and ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own shall be promoted.

**Art. 3.** The Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression are the fundamental laws of the Realm.

**Art. 4.** The Riksdag is the foremost representative of the people.

The Riksdag enacts the laws, determines State taxes and decides how State funds shall be employed. The Riksdag shall examine the government and administration of the Realm.

**Art. 5.** The King or Queen who occupies the throne of Sweden in accordance with the Act of Succession shall be the Head of State.

**Art. 6.** The Government governs the Realm. It is accountable to the Riksdag.

**Art. 7.** Sweden has local authorities at local and regional level.

**Art. 8.** Courts of law exist for the administration of justice, and central and local government administrative authorities exist for public administration.

**Art. 9.** Courts of law, administrative authorities and others performing public administration functions shall pay regard in their work to the equality of all before the law and shall observe objectivity and impartiality.

**Art. 10.** Sweden is a member of the European Union. Sweden also participates in international cooperation within the framework of the United Nations and the Council of Europe, and in other contexts.

## Chapter 2. Fundamental rights and freedoms

### **Freedom of opinion**

**Art. 1.** Everyone shall be guaranteed the following rights and freedoms in his or her relations with the public institutions:

freedom of expression: that is, the freedom to communicate information and express thoughts, opinions and sentiments, whether orally, pictorially, in writing, or in any other way;

freedom of information: that is, the freedom to procure and receive information and otherwise acquaint oneself with the utterances of others;

freedom of assembly: that is, the freedom to organise or attend meetings for the purposes of information or the expression of opinion or for any other similar purpose, or for the purpose of presenting artistic work;

freedom to demonstrate: that is, the freedom to organise or take part in demonstrations in a public place;

freedom of association: that is, the freedom to associate with others for public or private purposes; and

freedom of worship: that is, the freedom to practise one's religion alone or in the company of others.

The provisions of the Freedom of the Press Act and the Fundamental Law on Freedom of Expression shall apply concerning the freedom of the press and the corresponding freedom of expression on sound radio, television and certain similar transmissions, as well as in films, video recordings, sound recordings and other technical recordings.

The Freedom of the Press Act also contains provisions concerning the right of access to official documents.

**Art. 2.** No one shall in his or her relations with the public institutions be coerced to divulge an opinion in a political, religious, cultural or other such connection. Nor may anyone in his or her relations with the public institutions be coerced to participate in a meeting for the shaping of opinion or a demonstration or other manifestation of opinion, or to belong to a political association, religious community or other association for opinion referred to in sentence one.

**Art. 3.** No record in a public register concerning a Swedish citizen may be based without his or her consent solely on his or her political opinions.

### **Physical integrity and freedom of movement**

**Art. 4.** There shall be no capital punishment.

**Art. 5.** Everyone shall be protected against corporal punishment. No one may be subjected to torture or medical intervention with the purpose of extorting or suppressing statements.

**Art. 6.** Everyone shall be protected in their relations with the public institutions against any physical violation also in cases other than cases under Articles 4 and 5. Everyone shall likewise be protected against body searches, house searches and other such invasions of privacy, against examination of mail or other confidential correspondence, and against eavesdropping and the recording of telephone conversations or other confidential communications.

In addition to what is laid down in paragraph one, everyone shall be protected in their relations with the public institutions against significant invasions of their personal privacy, if these occur without their consent and involve the surveillance or systematic monitoring of the individual's personal circumstances.

**Art. 7.** No Swedish citizen may be deported from or refused entry into the Realm.

No Swedish citizen who is domiciled in the Realm or who has previously been domiciled in the Realm may be deprived of his or her citizenship. It may however be prescribed that children under the age of eighteen shall have the same nationality as their parents or as one parent.

**Art. 8.** Everyone shall be protected in their relations with the public institutions against deprivations of personal liberty. All Swedish citizens shall also in other respects be guaranteed freedom of movement within the Realm and freedom to depart the Realm.

### **Rule of law**

**Art. 9.** If a public authority other than a court of law has deprived an individual of his or her liberty on account of a criminal act or because he or she is suspected of having committed such an act, the individual shall be entitled to have the deprivation of liberty examined before a court of law without undue delay. This shall not, however, apply where the matter concerns the transfer to Sweden of responsibility for executing a penal sanction involving deprivation of liberty according to a sentence in another state.

Also those who for reasons other than those specified in paragraph one, have been taken forcibly into custody, shall likewise be entitled to have the matter of custody examined before a court of law without undue delay. In such a case, examination before a tribunal shall be equated with examination before a court of law, provided the composition of the tribunal has been laid down in law and it is stipulated that the chair of the tribunal shall be currently, or shall have been previously, a permanent salaried judge.

If examination has not been referred to an authority which is competent under paragraph one or two, such examination shall be undertaken by a court of general jurisdiction.

**Art. 10.** No one may be sentenced to a penalty or penal sanction for an act which was not subject to a penal sanction at the time it was committed. Nor may anyone be sentenced to a penal sanction which is more severe than that which was in force when the act was committed. The provisions laid down here with respect to penal sanctions also apply to forfeiture and other special legal effects of crime.

No taxes or charges due the State may be imposed except inasmuch as this follows from provisions which were in force when the circumstance arose which occasioned the liability for the tax or charge. Should the Riksdag find that special reasons so warrant, it may however lay down in law that taxes or charges due the State shall be imposed even though no such act had entered into force when the aforementioned circumstance arose, provided the Government, or a committee of the Riksdag, had submitted a proposal to this effect to the Riksdag at the time concerned. A written communication from the Government to the Riksdag announcing the forthcoming introduction of such a proposal is equated with a formal proposal. The Riksdag may furthermore prescribe that exceptions shall be made to the provisions of sentence one if it considers that this is warranted on special grounds connected with war, the danger of war, or grave economic crisis.

**Art. 11.** No court of law may be established on account of an act already committed, or for a particular dispute or otherwise for a particular case.

Legal proceedings are to be carried out fairly and within a reasonable period of time. Proceedings in courts of law shall be open to the public.

## **Protection against discrimination**

**Art. 12.** No act of law or other provision may imply the unfavourable treatment of anyone because they belong to a minority group by reason of ethnic origin, colour, or other similar circumstances or on account of their sexual orientation.

**Art. 13.** No act of law or other provision may imply the unfavourable treatment of anyone on grounds of gender, unless the provision forms part of efforts to promote equality between men and women or relates to compulsory military service or other equivalent official duties.

**Art. 14.** A trade union or an employer or employers' association shall be entitled to take industrial action unless otherwise provided in an act of law or under an agreement.

## **Protection of property and the right of public access**

**Art. 15.** The property of every individual shall be so guaranteed that no one may be compelled by expropriation or other such disposition to surrender property to the public institutions or to a private subject, or tolerate restriction by the public institutions of the use of land or buildings, other than where necessary to satisfy pressing public interests.

A person who is compelled to surrender property by expropriation or other such disposition shall be guaranteed full compensation for his or her loss. Compensation shall also be guaranteed to a person whose use of land or buildings is restricted by the public institutions in such a manner that ongoing land use in the affected part of the property is substantially impaired, or injury results which is significant in relation to the value of that part of the property. Compensation shall be determined according to principles laid down in law.

In the case of limitations on the use of land or buildings on grounds of protection of human health or the environment, or on grounds of safety, however, the rules laid down in law apply in the matter of entitlement to compensation.

Everyone shall have access to the natural environment in accordance with the right of public access, notwithstanding the above provisions.

## **Copyright**

**Art. 16.** Authors, artists and photographers shall own the rights to their works in accordance with rules laid down in law.

## **Freedom of trade**

**Art. 17.** Limitations affecting the right to trade or practise a profession may be introduced only in order to protect pressing public interests and never solely in order to further the economic interests of a particular person or enterprise.

The right of the Sami population to practise reindeer husbandry is regulated in law.

## **Education and research**

**Art. 18.** All children covered by compulsory schooling shall be entitled to a free basic education in the public education system. The public institutions shall be responsible also for the provision of higher education.

The freedom of research is protected according to rules laid down in law.

## **The European Convention**

**Art. 19.** No act of law or other provision may be adopted which contravenes Sweden's undertakings under the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## **Conditions for limiting rights and freedoms**

**Art. 20.** To the extent provided for in Articles 21 to 24, the following rights and freedoms may be limited in law:

1. freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate and freedom of association (Article 1, points 1 to 5);
2. protection against any physical violation in cases other than cases under Articles 4 and 5, against body searches, house searches and other such invasions of privacy, against violations of confidential items of mail or communications and otherwise against violations involving surveillance and monitoring of the individual's personal circumstances (Article 6);
3. freedom of movement (Article 8); and
4. public court proceedings (Article 11, paragraph two, sentence two).

With authority in law, the rights and freedoms referred to in paragraph one may be limited by other statute in cases under Chapter 8, Article 5, and in respect of prohibition of the disclosure of matters which have come to a person's knowledge in the performance of public or official duties. Freedom of assembly and freedom to demonstrate may similarly be limited also in cases under Article 24, paragraph one, sentence two.

**Art. 21.** The limitations referred to in Article 20 may be imposed only to satisfy a purpose acceptable in a democratic society. The limitation must never go beyond what is necessary with regard to the purpose which occasioned it, nor may it be carried so far as to constitute a threat to the free shaping of opinion as one of the fundamentals of democracy. No limitation may be imposed solely on grounds of a political, religious, cultural or other such opinion.

**Art. 22.** A draft law under Article 20 shall be held in abeyance, unless rejected by the Riksdag, for a minimum of twelve months from the date on which the first Riksdag committee report on the proposal was submitted to the Chamber, if so moved by at least ten members. The Riksdag may, however, adopt the proposal directly if it has the support of at least five sixths of those voting.

Paragraph one shall not apply to any draft law prolonging the life of a law for a period not exceeding two years. Nor shall it apply to any draft law concerned only with:

1. prohibition of the disclosure of matters which have come to a person's knowledge in the performance of public or official duties, where secrecy is called for with regard to interests under Chapter 2, Article 2 of the Freedom of the Press Act;
2. house searches and similar invasions of privacy; or
3. deprivation of liberty as a penal sanction for a specific act. The Committee on the Constitution determines on behalf of the Riksdag whether paragraph one applies in respect of a particular draft law.

**Art. 23.** Freedom of expression and freedom of information may be limited with regard to the security of the Realm, the national supply of goods, public order and public safety, the good repute of the individual, the sanctity of private life, and

the prevention and prosecution of crime. Freedom of expression may also be limited in business activities. Freedom of expression and freedom of information may otherwise be limited only where particularly important grounds so warrant.

In judging what limitations may be introduced in accordance with paragraph one, particular attention must be paid to the importance of the widest possible freedom of expression and freedom of information in political, religious, professional, scientific and cultural matters.

The adoption of provisions which regulate in more detail a particular manner of disseminating or receiving information, without regard to its content, shall not be deemed a limitation of the freedom of expression or the freedom of information.

**Art. 24.** Freedom of assembly and freedom to demonstrate may be limited in the interests of preserving public order and public safety at a meeting or demonstration, or with regard to the circulation of traffic. These freedoms may otherwise be limited only with regard to the security of the Realm or in order to combat an epidemic.

Freedom of association may be limited only in respect of organisations whose activities are of a military or quasi-military nature, or constitute persecution of a population group on grounds of ethnic origin, colour, or other such conditions.

**Art. 25.** For foreign nationals within the Realm, special limitations may be introduced to the following rights and freedoms:

1. freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate, freedom of association and freedom of worship (Article 1, paragraph one);
2. protection against coercion to divulge an opinion (Article 2, sentence one);
3. protection against physical violations also in cases other than cases under Articles 4 and 5, against body searches, house searches and other such invasions of privacy, against violations of confidential items of mail or communications and otherwise against violations involving surveillance and monitoring of the individual's personal circumstances (Article 6);

4. protection against deprivation of liberty (Article 8, sentence one);
5. the right to have a deprivation of liberty other than a deprivation of liberty on account of a criminal act or on suspicion of having committed such an act examined before a court of law (Article 9, paragraphs two and three);
6. public court proceedings (Article 11, paragraph two, sentence two);
7. authors', artists' and photographers' rights to their works (Article 16);
8. the right to trade or practise a profession (Article 17);
9. the right to freedom of research (Article 18, paragraph two); and
10. protection against violations on grounds of an opinion (Article 21, sentence three).

The provisions of Article 22, paragraph one, paragraph two, sentence one and paragraph three shall apply with respect to the special limitations referred to in paragraph one.

## Chapter 3. The Riksdag

### **Formation and composition of the Riksdag**

**Art. 1.** The Riksdag is appointed by means of free, secret and direct elections.

Voting in such elections is by party, with an option for the voter to express a personal preference vote.

Party denotes any association or group of voters which runs for election under a particular designation.

**Art. 2.** The Riksdag consists of a single chamber comprising three hundred and forty-nine members. Alternates shall be appointed for members.

## **Ordinary elections**

**Art. 3.** Ordinary elections to the Riksdag are held every four years.

## **Right to vote and eligibility to stand for election**

**Art. 4.** Every Swedish citizen who is currently domiciled within the Realm or who has ever been domiciled within the Realm, and who has reached the age of eighteen, is entitled to vote in an election to the Riksdag.

Only a person who is entitled to vote may be a member or alternate member of the Riksdag.

The question of whether a person has the right to vote is determined on the basis of an electoral roll drawn up prior to the election.

## **Constituencies**

**Art. 5.** The Realm is divided up into constituencies for the purpose of elections to the Riksdag.

## **Distribution of seats among constituencies**

**Art. 6.** Of the seats in the Riksdag, 310 are fixed constituency seats and 39 are adjustment seats.

The fixed constituency seats are distributed among the constituencies on the basis of a calculation of the relationship between the number of persons entitled to vote in each constituency, and the total number of persons entitled to vote throughout the whole of the Realm. The distribution of seats among the constituencies is determined for four years at a time.

## **Distribution of seats among parties**

**Art. 7.** The seats are distributed among parties.

Only parties which receive at least four per cent of the votes cast throughout the the Realm may share in the distribution of seats. A party receiving fewer votes, however, participates in the distribution of the fixed constituency seats in a constituency in which it receives at least twelve per cent of the votes cast.

**Art. 8.** The fixed constituency seats in each constituency are distributed proportionately among the parties on the basis of the election result in that constituency.

The adjustment seats are distributed among the parties in such a way that the distribution of all the seats in the Riksdag, other

than those fixed constituency seats which have been allocated to a party polling less than four per cent of the national vote, is in proportion to the total number of votes cast throughout the Realm for the respective parties participating in the distribution of seats. If, in the distribution of the fixed constituency seats, a party obtains seats which exceed the number corresponding to the proportional representation of that party in the Riksdag, then that party and the fixed constituency seats which it has obtained are disregarded in distributing the adjustment seats. The adjustment seats are allocated to constituencies after they have been distributed among the parties.

The odd-number method is used to distribute the seats among the parties, with the first divisor adjusted to 1.4.

**Art. 9.** One member is appointed for each seat a party obtains, together with an alternate for that member.

### **Electoral period**

**Art. 10.** Each election is valid for the period from the date on which the newly-elected Riksdag convenes to the date on which the Riksdag elected next thereafter convenes.

The newly-elected Riksdag convenes on the fifteenth day following election day but no sooner than the fourth day after the result of the election has been declared.

### **Extraordinary elections**

**Art. 11.** The Government may decide that an extraordinary election to the Riksdag is to be held between ordinary elections. An extraordinary election is held within three months from the decision.

After an election to the Riksdag has been held, the Government may not hold an extraordinary election until three months from the date on which the newly-elected Riksdag first convened. Neither may the Government decide to hold an extraordinary election while ministers remain at their posts, after all have been formally discharged, pending assumption of office by a new Government.

Rules concerning an extraordinary election in a particular case are laid down in Chapter 6, Article 5.

## **Appeals against election results**

**Art. 12.** Appeals against elections to the Riksdag shall be lodged with an Election Review Board appointed by the Riksdag. There is no right of appeal against a decision of the Board.

A person who has been elected a member of the Riksdag exercises his or her mandate even if the election result has been appealed. If the result of the election is revised, a new member takes his or her seat immediately after the revised result has been declared. This applies in a similar manner to alternate members.

The Election Review Board consists of a chair, who is currently, or has been previously, a permanent salaried judge and who may not be a member of the Riksdag, and six other members. The members are elected after each ordinary election, as soon as the result of the election becomes final, and serve until a new election for the Board is held. The chair is elected separately.

## **Further rules**

**Art. 13.** Further rules concerning matters under Article 1, paragraph three and Articles 3 to 12 and concerning the appointment of alternates for members of the Riksdag are laid down in the Riksdag Act or elsewhere in law.

# **Chapter 4. The work of the Riksdag**

## **Riksdag session**

**Art. 1.** The Riksdag convenes in session every year. Sessions are held in Stockholm, unless otherwise determined by the Riksdag or the Speaker, with regard to the liberty or safety of parliament.

## **The Speaker**

**Art. 2.** The Riksdag elects a Speaker and First, Second, and Third Deputy Speakers from among its members for each electoral period.

### **Riksdag committees**

**Art. 3.** The Riksdag elects committees from among its members in accordance with rules laid down in the Riksdag Act. These shall include a Committee on the Constitution and a Committee on Finance.

### **Right to introduce proposals**

**Art. 4.** The Government and every member of the Riksdag has the right to introduce proposals on any matter coming within the jurisdiction of the Riksdag, in accordance with provisions laid down in the Riksdag Act, unless otherwise provided in the present Instrument of Government.

### **Preparation of matters**

**Art. 5.** Any matter raised by the Government or by a member of the Riksdag shall be prepared by a committee before it is settled, unless otherwise provided in the present Instrument of Government.

### **Settlement of matters**

**Art. 6.** When a matter comes up for decision in the Chamber, every member of the Riksdag and every minister has the right to speak in accordance with more detailed rules laid down in the Riksdag Act.

Rules concerning grounds for disqualification are also laid down in the Riksdag Act.

**Art. 7.** When a vote is taken in the Chamber, the opinion supported by more than half of those voting constitutes the decision of the Riksdag, unless otherwise provided in the present Instrument of Government or, in the case of matters relating to Riksdag procedure, in a principal provision of the Riksdag Act. Rules concerning the procedure to be followed in the event of a tied vote are laid down in the Riksdag Act.

### **Follow-up and evaluation**

**Art. 8.** Each committee follows up and evaluates decisions of the Riksdag within the committee's subject area.

## **Openness in the Chamber**

**Art. 9.** Meetings of the Chamber are open to the public. A meeting may, nevertheless, be held behind closed doors in accordance with rules laid down in the Riksdag Act.

## **Members' legal status**

**Art. 10.** Members of the Riksdag or alternates for such members may exercise their mandate as members notwithstanding any official duty or other similar obligation.

**Art. 11.** Members of the Riksdag or alternates for such members may not resign their mandate without the Riksdag's consent.

Where there are grounds, the Election Review Board shall examine on its own initiative whether a particular member or an alternate is eligible under Chapter 3, Article 4, paragraph two. A person pronounced to be ineligible is thereby deprived of his or her mandate.

Members or alternates may be deprived of their mandate in cases other than cases under paragraph two only if they have proved themselves manifestly unfit to hold a mandate by reason of a criminal act. A decision in such a case shall be taken by a court of law.

**Art. 12.** Legal proceedings may not be initiated against a person who holds a mandate as a member of the Riksdag, or who has held such a mandate, on account of a statement or an act made in the exercise of his or her mandate, unless the Riksdag has given its consent thereto in a decision supported by at least five sixths of those voting.

Nor may such a person be deprived of his or her liberty, or restricted from travelling within the Realm, on account of an act or statement made in the exercise of his or her mandate, unless the Riksdag has given such consent thereto.

If, in any other case, a member of the Riksdag is suspected of having committed a criminal act, the relevant legal provisions concerning apprehension, arrest or detention are applied only if he or she admits guilt or was caught in the act, or the minimum penalty for the offence is imprisonment for two years.

**Art. 13.** During such time as a member is acting as Speaker of the Riksdag or is a member of the Government, his or her mandate as a member shall be exercised by an alternate. The

Riksdag may stipulate in the Riksdag Act that an alternate shall replace a member when he or she is on leave of absence.

The rules laid down in Articles 10 and 12, paragraph one also apply to the Speaker and the Speaker's mandate.

The rules relating to a member of the Riksdag apply also to an alternate exercising a mandate as a member.

### **Further rules**

**Art. 14.** Further rules concerning the work of the Riksdag are laid down in the Riksdag Act.

## **Chapter 5. The Head of State**

**Art. 1.** Chapter 1, Article 5 states that the King or Queen who occupies the throne of Sweden in accordance with the Act of Succession is the Head of State.

**Art. 2.** Only a person who is a Swedish citizen and who has reached the age of eighteen may serve as Head of State. The Head of State may not at the same time be a minister, hold the office of Speaker or serve as a member of the Riksdag.

**Art. 3.** The Head of State shall be kept informed by the Prime Minister concerning the affairs of the Realm. The Government convenes as Council of State under the chairmanship of the Head of State when required.

The Head of State shall consult the Prime Minister before undertaking travel abroad.

**Art. 4.** If the King or Queen who is Head of State is not in a position to perform his or her duties, the member of the Royal House in line under the order of succession and able to do so shall assume and perform the duties of Head of State in the capacity of Regent ad interim.

**Art. 5.** Should the Royal House become extinct, the Riksdag elects a Regent to perform the duties of Head of State until further notice. The Riksdag elects a Deputy Regent at the same time.

The same applies if the King or Queen who is Head of State dies or abdicates and the heir to the throne has not yet reached the age of eighteen.

**Art. 6.** If the King or Queen who is Head of State has been prevented for six consecutive months from performing his or her duties, or has failed to perform his or her duties, the Government shall notify the matter to the Riksdag. The Riksdag decides whether the King or Queen shall be deemed to have abdicated.

**Art. 7.** The Riksdag may elect a person to serve as Regent ad interim under a Government order when no one competent under Article 4 or 5 is in a position to serve.

The Speaker, or, in his or her absence, one of the Deputy Speakers, serves as Regent ad interim under a Government order when no other competent person is in a position to serve.

**Art. 8.** The King or Queen who is Head of State cannot be prosecuted for his or her actions. Nor can a Regent be prosecuted for his or her actions as Head of State.

## Chapter 6. The Government

### **Composition of the Government**

**Art. 1.** The Government consists of the Prime Minister and other ministers.

The Prime Minister is appointed in accordance with the rules laid down in Articles 4 to 6. The Prime Minister appoints the other ministers.

**Art. 2.** The ministers must be Swedish citizens. A minister may not have any other employment. Neither may he or she hold any appointment or engage in any activity which might impair public confidence in him or her.

### **Vote on the Prime Minister after an election**

**Art. 3.** No later than two weeks after it has convened, a newly-elected Riksdag shall determine by means of a vote whether the Prime Minister has sufficient support in the Riksdag. If more than half of the members of the Riksdag vote no, the Prime Minister shall be discharged. No vote shall be held if the Prime Minister has already been discharged.

## **Formation of the Government**

**Art. 4.** When a Prime Minister is to be appointed, the Speaker summons for consultation representatives from each party group in the Riksdag. The Speaker confers with the Deputy Speakers before presenting a proposal to the Riksdag. The Riksdag shall vote on the proposal within four days, without prior preparation in committee. If more than half the members of the Riksdag vote against the proposal, it is rejected. In any other case, it is adopted.

**Art. 5.** If the Riksdag rejects the Speaker's proposal, the procedure laid down in Article 4 is repeated. If the Riksdag rejects the Speaker's proposal four times, the procedure for appointing a Prime Minister is abandoned and resumed only after an election to the Riksdag has been held. If no ordinary election is due in any case to be held within three months, an extraordinary election shall be held within the same space of time.

**Art. 6.** When the Riksdag has approved a proposal for a new Prime Minister, the Prime Minister shall inform the Riksdag as soon as possible of the names of the ministers. Government changes hands thereafter at a Council of State before the Head of State or, in his or her absence, before the Speaker. The Speaker is always summoned to attend such a Council.

The Speaker issues a letter of appointment for the Prime Minister on the Riksdag's behalf.

## **Discharge of the Prime Minister or a minister**

**Art. 7.** If the Riksdag declares that the Prime Minister, or a member of his or her Government, no longer has its confidence, the Speaker shall discharge the minister concerned. However, if the Government is in a position to order an extraordinary election to the Riksdag and does so within one week from a declaration of no confidence, the minister shall not be discharged.

Rules concerning discharge of the Prime Minister following a vote on the Prime Minister after an election are laid down in Article 3.

**Art. 8.** A minister shall be discharged if he or she so requests; in such a case the Prime Minister is discharged by the Speaker, and any other minister by the Prime Minister. The Prime

Minister may also discharge any other minister in other circumstances.

**Art. 9.** If the Prime Minister is discharged or dies, the Speaker discharges the other ministers.

### **Deputy for the Prime Minister**

**Art. 10.** The Prime Minister may appoint one of the other ministers to deputise for him or her in case of absence. If no such deputy has been appointed, or if he or she is also unable to perform the duties of Prime Minister, these duties are assumed by the minister among those currently in office who has been a minister longest. When two or more ministers have been ministers for an equal period of time, the minister who is senior in age has precedence.

### **Caretaker government**

**Art. 11.** If all the members of the Government have been discharged, they remain at their posts until a new Government has assumed office. If a minister other than the Prime Minister has been discharged at his or her own request, he or she remains at his or her post until a successor has assumed office, should the Prime Minister so request.

### **Absence of the Speaker**

**Art. 12.** In the absence of the Speaker, a Deputy Speaker shall assume the duties of the Speaker under the present Chapter.

## **Chapter 7. The work of the Government**

### **The Government Offices and their duties**

**Art. 1.** Government offices shall exist for the preparation of Government business and to assist the Government and ministers in their other duties. The Government Offices include ministries for different areas of activity. The Government divides business between ministries. The Prime Minister appoints the heads of the ministries from among the ministers.

## **Preparation of business**

**Art. 2.** In preparing Government business the necessary information and opinions shall be obtained from the public authorities concerned. Information and opinions shall be obtained from local authorities as necessary. Organisations and individuals shall also be given an opportunity to express an opinion as necessary.

**Art. 3.** Government business is settled by the Government at Government meetings. Government business relating to the implementation within the armed forces of statutes or special Government decisions may however be approved by the head of the ministry responsible for such matters, under the supervision of the Prime Minister and to the extent laid down in law.

**Art. 4.** The Prime Minister summons the other ministers to attend Government meetings and presides at such meetings. A Government meeting shall be attended by at least five members.

**Art. 5.** At a Government meeting, the head of a ministry presents business belonging to his or her ministry. The Prime Minister may, however, prescribe that a matter or group of matters belonging to a particular ministry shall be presented by a minister other than the head of the ministry concerned.

## **Records of meetings and dissenting opinions**

**Art. 6.** A record shall be kept of Government meetings. Dissenting opinions shall be entered in the record.

**Art. 7.** Statutes, proposals to the Riksdag, and other Government decisions to be dispatched are only valid when signed by the Prime Minister or another minister on behalf of the Government. The Government may, however, prescribe in an ordinance that an official may, in a particular case, sign a Government decision to be dispatched.

## **Chapter 8. Acts of law and other provisions**

**Art. 1.** Provisions are adopted by the Riksdag by means of an act of law and by the Government by means of an ordinance.

The Riksdag or the Government may also authorise other authorities besides the Government and local authorities to adopt provisions. Authorisation to adopt provisions shall always be laid down in an act of law or an ordinance.

### **Provisions adopted by means of an act of law**

**Art. 2.** Provisions concerning the following shall be adopted by means of an act of law:

1. the personal status or mutual personal and economic relations of individuals;
2. relations between individuals and the public institutions which relate to the obligations of individuals, or which otherwise encroach on their personal or economic circumstances;
3. principles governing the organisation and working procedures of local authorities and local taxation, as well as the competence of local authorities in other respects, and their responsibilities;
4. religious communities and the principles on which the Church of Sweden as a religious community is based;
5. the holding of a consultative referendum throughout the Realm and the procedure for holding a referendum on a matter of fundamental law; and
6. elections to the European Parliament.

It also follows from other rules laid down in the present Instrument of Government and other fundamental laws that provisions with a certain content shall be adopted by means of an act of law.

### **Provisions adopted by the Government**

**Art. 3.** The Riksdag may authorise the Government to adopt provisions in accordance with Article 2, paragraph one, points 2 and 3. The provisions may not, however, relate to:

1. legal effects of criminal acts other than the imposition of fines;
2. taxes other than customs duties on the importation of goods; or

3. bankruptcy or enforcement.

The Riksdag may prescribe legal effects other than fines for contraventions of provisions laid down by the Government in an act of law granting authority under paragraph one.

**Art. 4.** The Riksdag may authorise the Government to adopt provisions in accordance with Article 2, paragraph one, points 1 to 3, concerning the granting of respites for the meeting of obligations.

**Art. 5.** In an act of law, the Riksdag may authorise the Government to adopt provisions on:

1. when the act of law shall come into force;
2. when parts of the law shall come into force or cease to apply; and
3. application of the law in relation to another country or an intergovernmental organisation.

**Art. 6.** Provisions adopted by the Government by virtue of authorisation under the present Instrument of Government shall be submitted to the Riksdag for examination, should the Riksdag so decide.

**Art. 7.** In addition to what follows from Articles 3 to 5, the Government may adopt:

1. provisions relating to the implementation of laws; and
2. provisions which do not require adoption by the Riksdag under fundamental law.

The Government may not by virtue of paragraph one adopt provisions which relate to the Riksdag or authorities under the Riksdag. Nor may the Government by virtue of paragraph one, point 2, adopt provisions which relate to local taxation.

**Art. 8.** The powers conferred on the Government to adopt provisions in a particular matter do not preclude the Riksdag from adopting provisions in the same matter in an act of law.

## **Provisions adopted by bodies other than the Riksdag and the Government**

**Art. 9.** The Riksdag may authorise a local authority to adopt provisions in accordance with Article 2, paragraph one, point 2 if the provisions concern:

1. charges; or
2. taxes designed to regulate traffic conditions in the local authority.

**Art. 10.** Where, under the present Chapter, the Riksdag authorises the Government to adopt provisions in a particular matter, the Riksdag may also authorise the Government to delegate the power to adopt regulations in the matter to an administrative authority or a local authority.

**Art. 11.** The Government may authorise an authority under the Government or an authority under the Riksdag to adopt provisions in accordance with Article 7. Such an authorisation to an authority under the Riksdag may not, however, relate to the internal affairs of the Riksdag or its authorities.

**Art. 12.** Provisions adopted by an authority under the Government by virtue of an authorisation in accordance with Article 10 or 11 shall be submitted to the Government for examination, should the Government so decide.

**Art. 13.** The Riksdag may direct the Riksbank in an act of law to adopt provisions coming within its remit under Chapter 9 and concerning its duty to promote a secure and efficient payments system. The Riksdag may authorise an authority under the Riksdag to adopt provisions that relate to the internal affairs of the Riksdag or its authorities.

## **Enactment of fundamental law and the Riksdag Act**

**Art. 14.** Fundamental law is enacted by means of two decisions of identical wording. With the first decision, the proposal for the enactment of fundamental law is adopted as being held in abeyance. The second decision may not be taken until elections to the Riksdag have been held throughout the Realm following the first decision, and the newly-elected Riksdag has convened. At least nine months shall elapse between the first submission of the matter to the Chamber of the Riksdag and the date of the election, unless the Committee on the Constitution grants an

exception. Such a decision is to be taken no later than the committee stage, and at least five sixths of the members must vote in favour of the decision.

**Art. 15.** The Riksdag may not adopt as a decision held in abeyance over an election a proposal for the enactment of fundamental law which conflicts with any other proposal concerning fundamental law currently being held in abeyance, unless at the same time it rejects the proposal first adopted.

**Art. 16.** A referendum shall be held on a proposal concerning fundamental law which is held in abeyance over an election, on a motion to this effect by at least one tenth of the members, provided at least one third of the members vote in favour of the motion. Such a motion must be put forward within fifteen days from the date on which the Riksdag adopted the proposal to be held in abeyance. The motion shall not be referred for preparation in committee. The referendum shall be held simultaneously with the election referred to in Article 14.

In the referendum, all those entitled to vote in the election are entitled to state whether or not they accept the proposal on fundamental law which is being held in abeyance. The proposal is rejected if a majority of those taking part in the referendum vote against it, and if the number of those voting against exceeds half the number of those who registered a valid vote in the election. In other cases the proposal goes forward to the Riksdag for final consideration.

**Art. 17.** The Riksdag Act is enacted as prescribed in Article 14, sentences one to three, and Article 15. It may also be enacted by means of a single decision, provided at least three fourths of those voting and more than half the members of the Riksdag vote in favour of the decision.

Supplementary provisions of the Riksdag Act are however adopted in the same manner as ordinary law. The provisions of paragraph one also apply to the adoption of an act of law under Article 2, paragraph one, point 4.

### **Amendment or abrogation of a law**

**Art. 18.** No law may be amended or abrogated other than by an act of law. Articles 14 to 17 apply with respect to amendment or abrogation of fundamental law or of the Riksdag Act. Article 17, paragraph one is applied in the case of amendment or abrogation of an act of law under Article 2, paragraph one, point 4.

## **Promulgation and publication of provisions**

**Art. 19.** An act of law which has been adopted shall be promulgated by the Government as soon as possible. An act of law containing provisions relating to the Riksdag or authorities under the Riksdag which is not to be incorporated in fundamental law or in the Riksdag Act, may however be promulgated by the Riksdag. Acts of law shall be published as soon as possible. The same applies to ordinances, unless otherwise laid down in law.

## **Council on Legislation**

**Art. 20.** There shall be a Council on Legislation which includes justices, or, where necessary, former justices of the Supreme Court and the Supreme Administrative Court, to pronounce an opinion on draft legislation. More detailed rules concerning the composition and working procedures of the Council on Legislation are laid down in law.

**Art. 21.** The opinion of the Council on Legislation is obtained by the Government or, under more detailed rules laid down in the Riksdag Act, by a committee of the Riksdag. The opinion of the Council on Legislation should be obtained before the Riksdag takes a decision on:

1. fundamental law relating to the freedom of the press or the corresponding freedom of expression on sound radio, television and certain similar transmissions, public performances taken from a database and technical recordings;
2. an act of law limiting the right of access to official documents;
3. an act of law under Chapter 2, Articles 14 to 16, 20, or 25;
4. an act of law relating to the fully or partially automatic processing of personal data;
5. an act of law relating to local taxation or an act of law involving the obligations of local authorities;
6. an act of law under Article 2, paragraph one, points 1 or 2 or an act of law under Chapter 11 or 12; or

7. an act of law amending or abrogating an act of law under Articles 1 to 6.

The provisions under paragraph two do not however apply if the Council on Legislation's examination would lack significance due to the nature of the matter, or would delay the handling of legislation in such a way that serious detriment would result.

If the Government submits a proposal to the Riksdag for the adoption of an act of law in any matter referred to in paragraph two, and there has been no prior consultation of the Council on Legislation, the Government shall at the same time inform the Riksdag of the reason for the omission. Failure to obtain the opinion of the Council on Legislation on a draft law never constitutes an obstacle to application of the law. The Council shall examine:

1. the manner in which the draft law relates to the fundamental laws and the legal system in general;
2. the manner in which the various provisions of the draft law relate to one another;
3. the manner in which the draft law relates to the requirements of the rule of law;
4. whether the draft law is so framed that the resulting act of law may be expected to satisfy the stated purposes of the proposed law; and
5. any problems that may arise in applying the act of law.

## Chapter 9. Financial power

### **Decisions concerning State revenue and expenditure**

**Art. 1.** The Riksdag determines taxes and charges due the State, and approves the national budget.

### **Draft national budget**

**Art. 2.** The Government submits a budget bill to the Riksdag.

## **Decisions concerning the national budget**

**Art. 3.** The Riksdag approves a national budget for the following budget year or, if special reasons so warrant, for some other budgetary period. In this connection, the Riksdag determines estimates of State revenue and appropriations for specific purposes.

The Riksdag may decide that a particular appropriation shall be made for a period other than the budgetary period. The Riksdag may decide that State revenue may be used for specific purposes by means other than a decision concerning an appropriation.

**Art. 4.** During the budgetary period, the Riksdag may decide to revise its State revenue estimates, alter appropriations already approved, or approve new appropriations.

**Art. 5.** If the national budget is not approved before the start of the budgetary period, the Riksdag makes appropriations as required to cover the period until a budget is adopted. The Riksdag may authorise the Committee on Finance to make such a decision on behalf of the Riksdag.

If, under paragraph one, the Riksdag has not approved appropriations for a specific purpose, the most recent national budget, with amendments consistent with other decisions made by the Riksdag, shall apply until these appropriations have been approved.

## **Guideline decisions**

**Art. 6.** The Riksdag may determine guidelines for activities of the State also covering a period exceeding the forthcoming budgetary period.

## **Use of appropriations and revenue**

**Art. 7.** Appropriations and revenue may not be used in ways not approved by the Riksdag.

## **State assets and obligations**

**Art. 8.** State assets are at the disposal of and administered by the Government, in so far as these are not intended for authorities under the Riksdag, or have been set aside in law for special administration.

The Government may not take up loans or otherwise assume financial obligations on behalf of the State unless authorised by the Riksdag.

**Art. 9.** The Riksdag decides the principles for the administration and disposition of State assets. The Riksdag may also decide that measures of a particular nature may not be taken without its consent.

### **State annual report**

**Art. 10.** After the end of the budgetary period, the Government submits an annual report for the State to the Riksdag.

### **Further provisions concerning the national budget**

**Art. 11.** Further provisions concerning the competence and responsibilities of the Riksdag and the Government in respect of the national budget are laid down in the Riksdag Act and separate legislation.

### **Currency policy**

**Art. 12.** The Government is responsible for general currency policy matters. Other provisions concerning currency policy are laid down in law.

### **The Riksbank**

**Art. 13.** The Riksbank is the central bank of the Realm and an authority under the Riksdag. The Riksbank is responsible for monetary policy. No public authority may determine how the Riksbank shall decide in matters of monetary policy.

The Riksbank has a General Council comprising eleven members, who are elected by the Riksdag. The Riksbank is under the direction of an Executive Board appointed by the General Council.

The Riksdag examines whether the members of the General Council and the Executive Board shall be granted discharge from liability. If the Riksdag refuses a member of the General Council discharge from liability he or she is thus severed from his or her appointment. The General Council may only dismiss a member of the Executive Board if he or she no longer fulfils the requirements laid down for the performance of his or her duties, or is guilty of gross negligence.

Provisions concerning elections to the General Council and concerning the management and activities of the Riksbank are laid down in law.

**Art. 14.** The Riksbank alone has the right to issue banknotes and coins. Further provisions concerning the monetary and payments systems are laid down in law.

## Chapter 10. International relations

### **Government's authority to conclude international agreements**

**Art. 1.** Agreements with other states or with international organisations are concluded by the Government.

**Art. 2.** The Government may instruct an administrative authority to conclude an international agreement in a matter in which the agreement does not require the participation of the Riksdag or the Advisory Council on Foreign Affairs.

### **Riksdag approval of international agreements**

**Art. 3.** The Riksdag's approval is required before the Government concludes an international agreement which is binding upon the Realm:

1. if the agreement requires the amendment or abrogation of an act of law or the enactment of a new act of law; or
2. if it otherwise concerns a matter to be decided by the Riksdag.

If, in a case under paragraph one, points 1 or 2, a special procedure has been prescribed for the required Riksdag decision, the same procedure shall be applied in approving the agreement.

The Riksdag's approval is also required in cases other those under paragraph one, before the Government concludes an international agreement which is binding upon the Realm, if the agreement is of major significance. The Government may however act without obtaining the Riksdag's approval if the interests of the Realm so require. In such a case the Government shall instead confer with the Advisory Council on Foreign Affairs before concluding the agreement.

**Art. 4.** The Riksdag may approve an agreement under Article 3 which is concluded within the framework of European Union cooperation, even if the agreement does not exist in final form.

### **Other international obligations and denunciation**

**Art. 5.** The rules laid down in Articles 1 to 4 apply in a similar manner to the commitment of the Realm to an international obligation in a form other than an agreement, and to the denunciation of an international agreement or obligation.

### **Transfer of decision-making authority within the framework of European Union cooperation**

**Art. 6.** Within the framework of European Union cooperation, the Riksdag may transfer decision-making authority which does not affect the basic principles by which Sweden is governed. Such transfer presupposes that protection for rights and freedoms in the field of cooperation to which the transfer relates corresponds to that afforded under this Instrument of Government and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Riksdag may approve a transfer of authority, provided at least three fourths of those voting and more than half the members of the Riksdag vote in favour of the decision. The Riksdag's decision may also be taken in accordance with the procedure prescribed for the enactment of fundamental law. Such a transfer cannot be decided until the Riksdag has approved the agreement under Article 3.

### **Transfer of decision-making authority outside the framework of European Union cooperation**

**Art. 7.** Decision-making authority which is directly based on the present Instrument of Government and which relates to the laying down of provisions, the use of assets of the State, tasks connected with judicial or administrative functions, or the conclusion or denunciation of an international agreement or obligation may, in cases other than those under Article 6, be transferred to a limited extent, to an international organisation for peaceful cooperation of which Sweden is a member, or is about to become a member, or to an international court of law.

Decision-making authority relating to matters concerning the enactment, amendment or abrogation of fundamental law, the Riksdag Act or a law on elections to the Riksdag, or relating to

the restriction of any of the rights and freedoms referred to in Chapter 2 may not be transferred under paragraph one.

A Riksdag decision in the matter of such transfer is taken in accordance with the procedure laid down in Article 6, paragraph two.

**Art. 8.** Any judicial or administrative function not directly based on this Instrument of Government may be transferred, in cases other than those under Article 6, to another state, international organisation, or foreign or international institution or community by means of a decision of the Riksdag. The Riksdag may authorise the Government or other public authority in law to approve such transfer of functions in particular cases.

Where the function concerned involves the exercise of public authority, the Riksdag's decision in the matter of such transfer or authorisation is taken in accordance with the procedure laid down in Article 6, paragraph two.

#### **Future amendment of international agreements**

**Art. 9.** If it has been laid down in law that an international agreement shall have validity as Swedish law, the Riksdag may prescribe that any future amendment which is binding upon the Realm shall also have validity as Swedish law. Such a decision relates only to a future amendment of limited extent. The decision is taken in accordance with the procedure laid down in Article 6, paragraph two.

Right of the Riksdag to information and consultation on European Union cooperation

**Art. 10.** The Government shall keep the Riksdag continuously informed and consult bodies appointed by the Riksdag concerning developments within the framework of European Union cooperation. More detailed rules concerning the obligation to inform and consult are laid down in the Riksdag Act.

#### **The Advisory Council on Foreign Affairs**

**Art. 11.** The Government shall keep the Advisory Council on Foreign Affairs continuously informed of those matters relating to foreign relations which may be of significance for the Realm, and shall confer with the Council concerning these matters as necessary. In all foreign policy matters of major

significance, the Government shall confer with the Council, if possible, before making its decision.

**Art. 12.** The Advisory Council on Foreign Affairs consists of the Speaker and nine other members elected by the Riksdag from among its members. More detailed rules concerning the composition of the Council are laid down in the Riksdag Act.

The Advisory Council on Foreign Affairs is convened by the Government. The Government is obliged to convene the Council if at least four members of the Council request consultations on a particular matter. Meetings of the Council are presided over by the Head of State or, in his or her absence, by the Prime Minister.

A member of the Advisory Council on Foreign Affairs and any person otherwise associated with the Council shall exercise caution in communicating to others matters which have come to his or her knowledge in this capacity. The person presiding over a meeting of the Council may rule that a duty of confidentiality shall apply unconditionally.

### **Obligation of State authorities to provide information**

**Art. 13.** The head of the ministry responsible for foreign affairs shall be kept informed whenever a matter arises at another State authority which has significance for relations with another state or an international organisation.

**Art. 14.** The provisions laid down in Chapter 2, Article 7, Chapter 4, Article 12, Chapter 5, Article 8, Chapter 11, Article 8 and Chapter 13, Article 3 do not prevent Sweden from fulfilling its commitments under the Rome Statute for the International Criminal Court or in relation to other international criminal courts.

## **Chapter 11. Administration of justice**

### **Courts of law**

**Art. 1.** The Supreme Court, the courts of appeal and the district courts are courts of general jurisdiction. The Supreme Administrative Court, the administrative courts of appeal and the administrative courts are general administrative courts. The right to have a case tried by the Supreme Court, Supreme

Administrative Court, court of appeal or administrative court of appeal may be restricted in law. Other courts are established in accordance with law. Provisions prohibiting the establishment of a court of law in particular cases are laid down in Chapter 2, Article 11, paragraph one.

A person may serve as a member of the Supreme Court or the Supreme Administrative Court only if he or she holds currently, or has held previously, an appointment as a permanent salaried justice. Permanent salaried judges serve at other courts. Exceptions to this rule in respect of courts established to try a specific group or specific groups of cases may however be laid down in law.

**Art. 2.** Rules concerning the judicial tasks of the courts, the main features of their organisation and legal proceedings in respects other than those covered in this Instrument of Government are laid down in law.

### **Independent administration of justice**

**Art. 3.** Neither the Riksdag, nor a public authority, may determine how a court of law shall adjudicate an individual case or otherwise apply a rule of law in a particular case. Nor may any other public authority determine how judicial responsibilities shall be distributed among individual judges.

**Art. 4.** No judicial function may be performed by the Riksdag except to the extent laid down in fundamental law or the Riksdag Act.

**Art. 5.** A legal dispute between individuals may not be settled by an authority other than a court of law except in accordance with law.

### **Appointment of permanent salaried judges**

**Art. 6.** Permanent salaried judges are appointed by the Government.

When appointments are made, only objective factors, such as merit and competence, shall be taken into account. Provisions concerning the grounds for the procedure for appointing permanent salaried judges are laid down in law.

## **Legal status of permanent salaried judges**

**Art. 7.** A person who has been appointed a permanent salaried judge may be removed from office only if:

1. he or she has shown himself or herself through a criminal act or through gross or repeated neglect of his or her official duties to be manifestly unfit to hold the office; or
2. he or she has reached the applicable retirement age or is otherwise obliged by law to resign on grounds of protracted loss of working capacity.

If organisational considerations so dictate, a person who has been appointed a permanent salaried judge may be transferred to another judicial office of equal status.

**Art. 8.** Legal proceedings regarding a criminal act committed in the performance of an appointment as a member of the Supreme Court or the Supreme Administrative Court are instituted in the Supreme Court.

The Supreme Administrative Court examines whether a member of the Supreme Court shall be removed or suspended from duty or obliged to undergo medical examination. If such proceedings concern a member of the Supreme Administrative Court, the matter is examined by the Supreme Court. Proceedings according to paragraphs one and two are initiated by the Parliamentary Ombudsmen or the Chancellor of Justice.

**Art. 9.** If a permanent salaried judge has been removed from office by means of a decision of a public authority other than a court of law it shall be possible for him or her to call for the decision to be examined before a court of law. A court conducting such an examination shall include a permanent salaried judge. The same applies to any decision as a result of which a permanent salaried judge is suspended from duty, ordered to undergo examination by a medical practitioner or subject to a disciplinary sanction.

**Art. 10.** Basic provisions concerning the legal status of permanent salaried judges in other respects are laid down in law.

## **Citizenship requirement**

**Art. 11.** Only a Swedish citizen may be a permanent salaried judge. Swedish nationality may otherwise be stipulated as a condition of eligibility to perform judicial functions only with support in law or in accordance with conditions laid down in law. Other employees at courts of law

**Art. 12.** Chapter 12, Articles 5 to 7 apply to other employees at courts of law. Re-opening of closed cases and restoration of lapsed time.

**Art. 13.** Re-opening of closed cases and restoration of lapsed time are granted by the Supreme Administrative Court or, inasmuch as this has been laid down in law, by an inferior administrative court if the case concerns a matter in respect of which the Government, an administrative court or an administrative authority is the highest instance. In all other cases, re-opening of a closed case or restoration of lapsed time is granted by the Supreme Court or, inasmuch as this has been laid down in law, by another court of law which is not an administrative court.

More detailed rules concerning the re-opening of closed cases and restoration of lapsed time may be laid down in law.

## **Judicial review**

**Art. 14.** If a court finds that a provision conflicts with a rule of fundamental law or other superior statute, the provision shall not be applied. The same applies if a procedure laid down in law has been disregarded in any important respect when the provision was made.

In the case of review of an act of law under paragraph one, particular attention must be paid to the fact that the Riksdag is the foremost representative of the people and that fundamental law takes precedence over other law.

## **Chapter 12. Administration**

### **Organisation of State administration**

**Art. 1.** The Chancellor of Justice and other State administrative authorities come under the Government, unless they are authorities under the Riksdag according to the present Instrument of Government or by virtue of other law.

## **Independence of administration**

**Art. 2.** No public authority, including the Riksdag, or decision-making body of any local authority, may determine how an administrative authority shall decide in a particular case relating to the exercise of public authority vis-à-vis an individual or a local authority, or relating to the application of law.

**Art. 3.** No administrative function may be performed by the Riksdag except inasmuch as this follows from fundamental law or from the Riksdag Act.

## **Delegation of administrative functions**

**Art. 4.** Administrative functions may be delegated to local authorities.

Administrative functions may also be delegated to other legal entities or to individuals. If such a function involves the exercise of public authority, it may only be delegated in accordance with law. Special provisions on State employees

**Art. 5.** Appointments to posts at administrative authorities coming under the Government are made by the Government or by a public authority designated by the Government.

When making appointments to posts within the State administration, only objective factors, such as merit and competence, shall be taken into account.

**Art. 6.** Only a Swedish citizen may hold an appointment as Parliamentary Ombudsman or Auditor General. This also applies to the Chancellor of Justice. Swedish nationality may otherwise be stipulated as a condition of eligibility to hold an office or appointment under the State or under a local authority only with support in law or in accordance with conditions laid down in law.

**Art. 7.** Basic rules concerning the legal status of State employees in respects other than those covered in this Instrument of Government are laid down in law.

## **Dispensation and clemency**

**Art. 8.** The Government may approve exemption from provisions of ordinances, or from provisions adopted in accordance with a Government decision, unless otherwise provided in an act of law or in a decision concerning a budget appropriation.

**Art. 9.** The Government may, by exercising clemency, remit or reduce a penal sanction or other legal effect of a criminal act, and remit or reduce any other similar intervention by a public authority concerning the person or property of an individual.

Where exceptional grounds exist, the Government may decide that no further action shall be taken to investigate or prosecute a criminal act.

## **Judicial review**

**Art. 10.** If a public body finds that a provision conflicts with a rule of fundamental law or other superior statute, or finds that a procedure laid down in law has been disregarded in any important respect when the provision was made, the provision shall not be applied.

In the case of review of an act of law under paragraph one, particular attention must be paid to the fact that the Riksdag is the foremost representative of the people and that fundamental law takes precedence over other law.

# **Chapter 13. Parliamentary control**

## **Examination by the Committee on the Constitution**

**Art. 1.** The Committee on the Constitution shall examine ministers' performance of their official duties and the handling of Government business. For its examination, the Committee is entitled to have access to the records of decisions taken in Government matters and to the documents pertaining to such matters, as well as any other Government documents that the Committee deems necessary for its examination.

Another Riksdag committee or a member of the Riksdag is entitled to raise in writing with the Committee on the Constitution any issue relating to a minister's performance of

his or her official duties or the handling of Government business.

**Art. 2.** Where warranted, but at least once a year, the Committee on the Constitution shall communicate to the Riksdag any observations it has found worthy of attention in connection with its examination. The Riksdag may make a formal statement to the Government as a consequence of this.

### **Prosecution of minister**

**Art. 3.** A person who is currently, or who has been previously, a minister may only be held accountable for a criminal act committed in the performance of his or her ministerial duties only if he or she has grossly neglected his or her official duty by committing the criminal act. A decision to institute criminal proceedings shall be taken by the Committee on the Constitution and the case tried before the Supreme Court.

### **Declaration of no confidence**

**Art. 4.** The Riksdag may declare that a minister no longer has the confidence of the Riksdag. A motion calling for such a declaration of no confidence shall be raised by at least one tenth of the members of the Riksdag in order to be taken up for consideration. A declaration of no confidence requires the vote of more than half of the members of the Riksdag.

A motion calling for a declaration of no confidence shall not be taken up for consideration if raised on a date between the holding of an ordinary election or the announcement of a decision to call an extraordinary election and the date on which the Riksdag elected in such an election convenes. A motion relating to a minister who has remained at his or her post, under Chapter 6, Article 11, after having been formally discharged, may not in any circumstances be taken up for consideration.

A motion calling for a declaration of no confidence shall not be prepared in committee.

### **Interpellations and questions**

**Art. 5.** Any member of the Riksdag may submit interpellations or questions to a minister on matters concerning the minister's performance of his or her official duties in accordance with the more detailed rules laid down in the Riksdag Act.

## **Parliamentary Ombudsmen**

**Art. 6.** The Riksdag elects one or more Parliamentary Ombudsmen who shall supervise the application of laws and other regulations in public activities, under terms of reference drawn up by the Riksdag. An Ombudsman may institute legal proceedings in the cases indicated in these terms of reference.

Courts of law, administrative authorities and State or local government employees shall provide an Ombudsman with such information and opinions as he or she may request. Other persons coming under the supervision of the Ombudsman have a similar obligation. An Ombudsman has the right to access the records and other documents of courts of law and administrative authorities. A public prosecutor shall assist an Ombudsman if so requested. More detailed provisions concerning the Ombudsmen are laid down in the Riksdag Act and elsewhere in law.

## **The National Audit Office**

**Art. 7.** The National Audit Office is an authority under the Riksdag whose function is to examine the activities of the State. Provisions stating that the National Audit Office's audit may extend also to activities other than activities of the State are laid down in law.

**Art. 8.** The National Audit Office is under the direction of three Auditors General, who are elected by the Riksdag. The Riksdag may remove an Auditor General from office only provided the Auditor General no longer fulfils the requirements for the office or has been guilty of gross negligence.

The Auditors General decide independently, having regard to the rules laid down in law, what activities shall be audited. They determine separately and independently how their audit shall be carried out and formulate their own conclusions on the basis of their audit.

**Art. 9.** Further provisions concerning the National Audit Office are laid down in the Riksdag Act and elsewhere in law.

## Chapter 14. Local authorities

**Art. 1.** Sweden has municipalities and county councils. Decision-making powers in these local authorities are exercised by elected assemblies.

**Art. 2.** The local authorities are responsible for local and regional matters of public interest on the principle of local self-government. More detailed rules on this are laid down in law. By the same principle, the local authorities are also responsible for other matters laid down in law.

**Art. 3.** Any restriction in local self-government should not exceed what is necessary with regard to the purpose of the restriction.

**Art. 4.** The local authorities may levy tax for the management of their affairs.

**Art. 5.** According to law, local authorities may be obliged to contribute to costs incurred by other local authorities if necessary to achieve an equal financial base.

**Art. 6.** Regulations regarding grounds for changes in the division of the realm into local authorities are laid down in law.

## Chapter 15. War and danger of war

### **Summoning the Riksdag**

**Art. 1.** If the Realm finds itself at war or is exposed to the danger of war, the Government or the Speaker shall convene a meeting of the Riksdag. Whoever issues the notice convening the meeting may decide that the Riksdag shall convene at some place other than Stockholm.

### **War Delegation**

**Art. 2.** If the Realm is at war or exposed to the danger of war, a War Delegation appointed from among the members of the Riksdag shall replace the Riksdag if circumstances so warrant.

If the Realm is at war, the decision instructing the War Delegation to replace the Riksdag shall be announced by the members of the Advisory Council on Foreign Affairs in

accordance with more detailed rules laid down in the Riksdag Act. If possible, the Prime Minister shall be consulted before the decision is announced. If war conditions prevent the Council from convening, the decision is announced by the Government. If the Realm is exposed to the danger of war, the aforementioned decision is announced by the members of the Advisory Council on Foreign Affairs and the Prime Minister acting jointly. Such a decision requires the vote of the Prime Minister and six members of the Council for it to be valid.

The War Delegation and the Government may decide, either jointly or separately, that the Riksdag shall resume its powers. The decision shall be taken as soon as circumstances so warrant.

Rules concerning the composition of the War Delegation are laid down in the Riksdag Act.

**Art. 3.** While the War Delegation is acting in place of the Riksdag, it exercises the powers of the Riksdag. It may not however take decisions under Article 11, paragraph one, sentence one, or paragraph two or four.

The War Delegation determines its own working procedures.

### **Forming a Government and determining its working procedures**

**Art. 4.** If the Realm is at war, and if, as a consequence of this, the Government is unable to carry out its duties, the Riksdag may decide on the formation of a Government and determine its working procedures.

### **Powers of the Government**

**Art. 5.** If the Realm is at war, and if, as a consequence of this, neither the Riksdag nor the War Delegation is able to carry out its duties, the Government shall assume its powers to the extent necessary to protect the Realm and bring hostilities to a close.

Paragraph one does not empower the Government to enact, amend, or abrogate a fundamental law, the Riksdag Act, or a law on elections to the Riksdag.

**Art. 6.** If the Realm is at war or exposed to the danger of war, or if such exceptional conditions prevail as result from war, or the danger of war to which the Realm has been exposed, the Government may, with authority in law, adopt by means of an ordinance provisions in a particular matter which shall otherwise, under provisions of fundamental law, be laid down

in an act of law. If necessary in any other case having regard to defence preparedness, the Government may, with authority in law, determine by means of an ordinance that any provisions laid down in law which relate to requisition or other such disposition shall be brought into force or cease to apply.

In an act of law granting such authority, the conditions under which this authority may be invoked shall be strictly stipulated. Such authority shall not empower the Government to enact, amend, or abrogate a fundamental law, the Riksdag Act or a law on elections to the Riksdag.

### **Limitations of rights and freedoms**

**Art. 7.** If the Realm is at war or exposed to the immediate danger of war, the provisions of Chapter 2, Article 22, paragraph one, shall not apply. The same is true in any other circumstances in which the War Delegation is acting in place of the Riksdag.

### **Powers of public authorities other than the Riksdag**

**Art. 8.** If the Realm is at war or exposed to the immediate danger of war, the Government may, with authority from the Riksdag, determine that a task that is to be performed by the Government in accordance with fundamental law shall instead be performed by some other public authority. Such authority may not extend to any powers under Article 5 or 6, unless the matter relates solely to a decision that a law concerning a particular matter shall come into force.

### **Decision-making under occupation**

**Art. 9.** Neither the Riksdag nor the Government may make decisions in occupied territory. Nor may any powers vested in a person in his or her capacity as a member of the Riksdag or as a minister be exercised in such territory.

Any public body in occupied territory shall act in the manner that best serves the defence effort and resistance activities, as well as the protection of the civilian population and Swedish interests in general. In no circumstances may a public body make any decision or take any action which, in contravention of international law, obliges a citizen of the Realm to render assistance to the occupying power.

Elections to the Riksdag or decision-making local government assemblies shall not be held in occupied territory.

## **Head of State**

**Art. 10.** If the Realm is at war, the Head of State should accompany the Government. If in occupied territory or separated from the Government, the Head of State shall be considered unable to carry out his or her duties as Head of State.

## **Elections to the Riksdag**

**Art. 11.** If the Realm is at war, elections to the Riksdag may be held only if the Riksdag so determines. If the Realm is exposed to the danger of war when an ordinary election is due to be held, the Riksdag may decide to defer the election. Such a decision shall be reviewed within one year and at intervals of no more than one year thereafter. A decision under this paragraph is valid only if at least three fourths of the members of the Riksdag vote in favour of it.

If any part of the Realm is occupied when an election is due to be held, the Riksdag shall approve any necessary modification of the rules laid down in Chapter 3. No exceptions may however be made from Chapter 3, Articles 1, 4, 5, 7 to 9 or 12. Any reference to the Realm in Chapter 3, Article 5, 7, paragraph two; or Article 8, paragraph two, shall apply instead to that part of the Realm for which the election is to be held. At least one tenth of the total number of seats shall be adjustment seats.

An ordinary election which is not held at the time prescribed, in consequence of paragraph one, shall be held as soon as possible after the war ends or the danger of war has passed. The Government and the Speaker, jointly or separately, shall ensure that the necessary steps are taken.

If, in consequence of this Article, an ordinary election has been held at a time other than the time at which it would normally have been held, the Riksdag shall set the date of the next ordinary election for that month in the fourth or fifth year following the first-named election in which an ordinary election is due to be held under the Riksdag Act.

## **Decision-making powers of local authorities**

**Art. 12.** If the Realm is at war or exposed to the danger of war, or if such exceptional conditions prevail as result from the war or the danger of war to which the Realm has been exposed, the decision-making powers of local authorities shall be exercised as laid down in law.

## **Defence of the Realm**

**Art. 13.** The Government may deploy the armed forces of the Realm in accordance with international law to meet an armed attack against the Realm or to prevent a violation of its territory.

The Government may instruct the armed forces to use force in accordance with international law to prevent a violation of Swedish territory in peace or during a war between foreign states.

## **Declaration of war**

**Art. 14.** The Government may not declare war without the consent of the Riksdag except in the case of an armed attack on the Realm.

## **Cessation of hostilities**

**Art. 15.** The Government may enter into an agreement on a cessation of hostilities without requesting the approval of the Riksdag and without consulting the Advisory Committee on Foreign Affairs, provided that deferment of such an agreement would endanger the Realm.

## **Deployment of armed forces**

**Art. 16.** The Government may send Swedish armed forces to other countries or otherwise deploy such forces in order to fulfil an international obligation approved by the Riksdag. Swedish armed forces may also be sent to other countries or be deployed if:

1. it is permitted by an act of law setting out the conditions for such action; or
2. the Riksdag permits such action in a special case.

# Transitional provisions

## **Transitional provisions 1974**

1. This Instrument of Government supersedes the previous Instrument of Government. With the exceptions given below, the previous Instrument of Government shall however apply in place of the new Instrument of Government until the end of the calendar year in which the Riksdag adopts definitively the new Instrument of Government and, in the cases below, also thereafter.

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6. Older statute or provisions shall continue to apply, notwithstanding that they have not been enacted in the manner laid down in this Instrument of Government. Authority granted under a joint decision of the King and the Riksdag, or the Riksdag acting alone, may be exercised even after the time appointed under point 1 above, until such time as the Riksdag determines otherwise. The rules of Chapter 8, Article 17 of this Instrument of Government shall apply in respect of older statute adopted by joint decision of the King and the Riksdag, or by a decision of the Riksdag acting alone.

7. Rules of older law or other statute which refer to the King or the King in Council shall apply to the Government ... unless it follows from a statute, or is otherwise apparent from the circumstances, that the reference is to the King in person, the Supreme Court, the Supreme Administrative Court, or an administrative court of appeal. Provisions which under older law or other statute shall be determined by joint decision of the King and the Riksdag shall be determined instead in an act of law.

8. Should an act of law or other statute contain a reference or allusion to a provision which has been superseded by a rule of this Instrument of Government, the new rule shall apply instead.

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14. This Instrument of Government in no way alters the provisions laid down in Article 2 of the previous Instrument of Government.

### **Transitional provisions relating to 1976 amendments**

1. The changes in the Instrument of Government come into force on 1 January 1977.
2. The provisions of Chapter 2, Article 16, notwithstanding, older provisions purporting at unfavourable treatment on grounds of gender shall continue to apply for the time being. Such provisions may be amended, even if the amendment is to the effect that such unfavourable treatment shall be upheld.

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4. The provisions of Chapter 2, Article 1, point 3, and Article 14, paragraph one, notwithstanding, it may be laid down in law that films and video recordings shall not be shown in public without prior approval. It may also be laid down in law that public playback of moving pictures from a database may not take place unless the pictures have previously been approved for such playback.

5. Older statute or provisions shall continue to apply, notwithstanding that they have not been enacted in the manner laid down in the Instrument of Government in its new wording.

### **Transitional provisions relating to 1979 amendments**

1. The changes in the Instrument of Government come into force on 1 January 1980.
2. Older provisions relating to taxes or charges shall continue to apply, the provisions of Chapter 2, Article 10, paragraph two, notwithstanding.

### **Transitional provisions relating to 2010 amendments**

1. This act of law comes into force on 1 January 2011.
2. The provisions of Chapter 2, Article 6, paragraph 2 notwithstanding, older provisions purporting at significant invasions of personal privacy shall continue to apply until no longer than 31 December 2015. Until this date, such provisions may be amended, even if the amendment is to the effect that such invasions shall be upheld.
3. The provisions of Chapter 2, Article 12 notwithstanding, older provisions purporting at unfavourable treatment on account of sexual orientation shall continue to apply for the time being. Such provisions may be amended, even if the

amendment is to the effect that such unfavourable treatment shall be upheld.

4. The provisions of Chapter 11, Article 3 notwithstanding, older provisions purporting at distribution of judicial responsibilities among individual judges shall continue to apply for the time being.

5. Older provisions or powers shall continue to apply, notwithstanding that they have not been enacted in the manner laid down in this Instrument of Government in its new wording.

6. If an act of law or other statute refers to a provision which has been replaced by a rule in the Instrument of Government in its new wording, the new rule shall instead be applied.