COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

TC-CP(2026)11

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Council of Europe Convention on Access to Official Documents (CETS No.205)

Consultation of the Parties

Conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents in respect of Sweden and on its implementation of recommendations adopted by the Consultation of Parties

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as "the Convention"), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention;

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having regard to the baseline evaluation report concerning the implementation of the Convention by Sweden adopted by the AIG at its 6th meeting (29-31 May 2024) which focuses on the second chapter of the Freedom of the Press Act and to the comments of the Government received on 4 July 2024;

Having regard to the fact that at the time of the adoption of the baseline evaluation report the AIG had reserved its position on the interpretation of the notion of "drawn-up" in Article 1, paragraph 2, sub-paragraph b, of the Convention and that the AIG has published on 5 November 2025 its opinion on the definition of "official documents" according to the Convention, which includes the notion of "drawn-up" (AIG(2025)07REV2);

Having examined the updates that the AIG has made to the baseline evaluation report to reflect its opinion on the definition of "official documents" according to the Convention (AIG(2024)12REV3) which was published on 9 July 2026;

Recalling the Consultation of the Parties' conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by Sweden (TC-CP(2024)10) published on 3 October 2024, hereinafter referred to as "the 2024 recommendations";

Having examined the information provided by the government of Sweden on the recommendations of the Consultation of the Parties (TC-CP(2025)11) and the subsequent AIG's comments on that information (AIG(2026)04REV2) makes the following conclusions and recommendations:

1. In respect of the updates that the AIG made to the baseline evaluation report:

   1.1. welcomes the fact that the appendix to the Public Access to Information and Secrecy Act is continuously being amended as needed and considers point 2.1 of the 2024 recommendations as being implemented;

   1.2. recommends that Sweden consider reviewing Chapter 2, §10, §12 and §14 of the Freedom of the Press Act which contain conditions for various documents to be considered as official documents with a view to ensuring their compliance with Article 1, paragraph 2, subparagraph b, of the Convention (paragraphs 20-24 and 71 in document AIG(2024)12REV3);

2. In respect of its 2024 recommendations, takes note of the information on:

2.1. point 2.2 concerning the overriding public interest principle and while considering the approach that the legislator when considering secrecy provisions takes into account the public interest in accessing the information concerned as a circumstance of significant importance to be, in principle, in line with Article 3, paragraph 2, of the Convention, and it invites the Party to fully implement the overriding public interest principle as enshrined in this provision of the Convention which requires an assessment of whether there is an overriding public interest served by the disclosure rather than an assessment of the public interest as a circumstance of significant importance;

2.2. point 2.3 concerning the right of the applicant to choose the form of access, unless the choice is unreasonable and recommends to Sweden to enshrine this right in its legislation in compliance with Article 6, paragraph 1, of the Convention;

2.3. point 2.4 concerning Sweden's reservation in relation to Article 8, paragraph 1, of the Convention in respect of decisions taken by the Government, ministers and the Parliamentary Ombudsmen and recommends that Sweden reconsider its reservation;

3. Invites the government of Sweden to provide the Consultation of the Parties with information on the measures taken to implement the present conclusions and recommendations within one year of their transmission.