



## 4.27. SE – Sweden – National legal summary<sup>549</sup>

### 4.27.1. Applicable regulatory framework

Relevant legislation includes the following:

Primary legislation:

- *Radio- och tv-lag*<sup>550</sup> (Radio and TV Act – RTA)<sup>551</sup>
- *Marknadsföringslag*<sup>552</sup> (Marketing Act)<sup>553</sup>
- *Alkohollag*<sup>554</sup> (Alcohol Act)

Self- and co-regulatory instruments:

- *Medieombudsmannen Publicitetsregler – etik för press, radio och tv*<sup>555</sup> (Code of Ethics for Press, Radio and Television in Sweden monitored by the Swedish Media Ombudsman and the Swedish Media Council)<sup>556</sup>

### 4.27.2. Definitions and restrictions regarding commercial communications

This section aims at identifying the relevant definitions related to commercial communications stemming from related laws, rules and current practices, as well as ongoing reforms under the transposition and implementation of the revised AVMS Directive. Please note that this review includes definitions which are part of the revised AVMSD, inclusive of audiovisual commercial communications, advertising, surreptitious commercial communications, sponsorship and product placement, but also the definitions of supplementary and/or related concepts, such as the advertiser, sponsor and sponsored

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<sup>549</sup> The factsheet on Sweden incorporates feedback received on the information related to the Radio and TV Act from Rebecca Parman from the Swedish Press and Broadcasting Authority (MPRT), during the checking round with the national regulatory authorities.

<sup>550</sup> [https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/radio--och-tv-lag-2010696\\_sfs-2010-696](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/radio--och-tv-lag-2010696_sfs-2010-696).

<sup>551</sup> English version (not updated):

<https://www.mppt.se/globalassets/dokument/lagar-och-regler/the-swedish-radio-and-television-act.pdf>

<sup>552</sup> [https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/marknadsforingslag-2008486\\_sfs-2008-486](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/marknadsforingslag-2008486_sfs-2008-486).

<sup>553</sup> <https://www.government.se/4abc0a/contentassets/747603b3d1a04351b1773524c7de3c84/2008486-marketing-act>.

<sup>554</sup> [https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/alkohollag-20101622\\_sfs-2010-1622](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/alkohollag-20101622_sfs-2010-1622).

<sup>555</sup> <https://medieombudsmannen.se/publicitetsregler/>.

<sup>556</sup> <https://medieombudsmannen.se/about-the-media-ombudsman/code-of-ethics-for-press-radio-and-television-in-sweden/>.



content, as well as misleading commercial communication, for the purpose of providing a comprehensive overview.

#### 4.27.2.1. Definitions

**Table 53. Definition of the main concepts related to commercial communications**

Concept	Existence of a definition
Audiovisual commercial communications	Yes.
Television advertising	Under the definitions of advertisements and commercial advertising.
Advertiser	Under the definition of advertisement.
Surreptitious commercial communication	No.
Misleading commercial communication	No.
Virtual advertising	Yes.
Sponsorship	Yes.
Sponsor	No.
Sponsored content	No.
Product placement	Yes.

Source: Swedish response to European Audiovisual Observatory standardised survey

##### 4.27.2.1.1. Audiovisual commercial communications

Chapter 3, section 1 item 4 of the RTA defines audiovisual commercial communications as:

*Product placement, sponsorship, advertising, teleshopping or similar that accompanies, or is included in, a television programme or user-generated video.*

##### 4.27.2.1.2. Television advertising

Television advertising is covered under the definitions of advertisements and commercial advertisements, provided for in Chapter 3, section 1 item 1 and 17 of the RTA, as follows:

*Section 1 item 1:*

*Advertising and other communications that are not advertising but are broadcast on behalf of someone else and whose purpose is to promote a thing or an idea.*

Section 1 item 17:

*Advertising: any form of message*



- a) that is broadcast either in return for payment or for similar consideration or broadcast for self-promotional purposes; and*
- b) that aims to market goods, services, real estate, jobs or other commodities.*

Chapter 9 a, section 8, provides obligations with regard to identification of advertising on video-sharing platforms, as follows:

*A video-sharing platform provider that provides advertising shall ensure that, before and after each advert, there is a special bumper that clearly separates the advertising from the other content. The bumper shall consist of sound or images. In the case of split-screen advertising, the bumper shall always be visible. Provisions on the identification of advertising can be found in Section 9 of the Marketing Act.*

#### 4.27.2.1.3. Advertiser

While the definition of advertiser is indirectly contained in Chapter 8 of the RTA, the definitions of advertisements and commercial advertisements in Chapter 3 of the RTA and section 9 of the Marketing Act in relation to the definition of commercial advertisement under television advertising, section 9, of the Marketing Act require that the party responsible for marketing is clearly indicated in the advertisement.

#### 4.27.2.1.4. Surreptitious commercial communication

There is no definition of surreptitious commercial communication.

#### 4.27.2.1.5. Misleading commercial communication

There is no definition of misleading commercial communication. Nevertheless, certain practices not complying with the Marketing Act, Articles 9-10 and 12-17 and practices set out in points 1 to 23 of Annex I to Directive 2005/29/EC are considered misleading marketing according to Article 8 of the Marketing Act.

#### 4.27.2.1.6. Virtual advertising

Chapter 3, section 1 item 24 of the RTA defines virtual advertising as:

*The broadcasting of messages that are electronically inserted into the television image on fixed objects which are usually used for announcements, or where announcements can be physically placed.*

#### 4.27.2.1.7. Sponsorship

Chapter 3, Section 1 item 18, of the RTA defines sponsorship as follows:



*Contributions made by someone who does not provide or produce radio broadcasting, on-demand radio, television broadcasting, on-demand television, searchable teletext, video-sharing platforms or user-generated videos to finance those services, programmes or videos in order to promote the name, trademark, image, activities, products or interests of the contributor.*

#### 4.27.2.1.8. Sponsor

There is no definition of sponsor.

#### 4.27.2.1.9. Sponsored content

There is no definition of sponsored content.

#### 4.27.2.1.10. Product placement

Chapter 3, section 1 item 14, of the RTA defines product placement as:

*The presence in a programme or user-generated video of a good, service or trademark, if this is done for marketing purposes and in return for payment or similar consideration to the media service or video-sharing platform provider, or to whoever created or uploaded a user-generated video on a video-sharing platform, unless the good or service is of insignificant value and has been provided free of charge.*

#### 4.27.2.1.11. Other definitions

While there are no provisions in rules and regulations regarding the techniques of online commercial communications, such as direct marketing, commercial profiling, behaviourally targeted advertising, etc., discussions in Sweden are rather focused on the integrity aspects and data protection mechanisms, from the point of view of consumer protection.

### 4.27.2.2. Restrictions regarding commercial communications

The revised AVMSD introduces obligations for video-sharing platforms to, *inter alia*, respect certain requirements regarding commercial communications and this section aims at updating the information relative to these obligations and measures imposed under national legislation on media service providers, including VSP providers, related to commercial communications.

Chapter 9 a of the RTA provides for the obligation of the VSP providers to take appropriate measures related to the identifiability of product placement and sponsorship, with relevant restrictions found further below.

In section 8, the law also stipulates that:



*A video-sharing platform provider that provides advertising shall ensure that, before and after each advert, there is a special bumper that clearly separates the advertising from the other content. The bumper shall consist of sound or images. In the case of split-screen advertising, the bumper shall always be visible. Provisions on the identification of advertising can be found in section 9 of the Marketing Act.*

Information of the applicability of other laws regulating certain areas, details of which are found below, is additionally found in Section 12 of Chapter 9 a of the RTA:

*Provisions on marketing bans can also be found in the Alcohol Act (2010:1662), the Act (2013:1054) on the Marketing of Infant Formula and Follow-On Formula, the Medicinal Products Act (2015:315), the Gambling Act (2018:1138) and the Act (2018:2088) on Tobacco and Similar Products.*

Finally, the aim behind the obligation on the part of VSPs to adopt measures is explained in Section 13:

*A video-sharing platform provider shall take appropriate measures to ensure that the users of the platform act in accordance with what is provided for in this chapter and in Chapter 7, section 3, second paragraph, of the Alcohol Act.*

#### 4.27.2.2.1. Audiovisual commercial communications for alcoholic beverages and tobacco and tobacco-related products, including electronic cigarettes and refill containers

The RTA covers the applicability of provisions prohibiting marketing for tobacco and tobacco-related products and alcohol, which can also be found in the Swedish Alcohol Act, the Swedish Act on the Marketing of Infant Formula and Follow-On Formula, the Swedish Medicinal Products Act, the Swedish Gambling Act, the Swedish Act on Tobacco and Similar Products and the Swedish Act on Tobacco-Free Nicotine Products. As mentioned previously, the related provisions of these laws are applicable to VSP providers, as indicated in Chapter 9 a, section 12, of the RTA.

The Swedish Alcohol Act stipulates measures relative to the marketing of alcohol in Chapter 7, Section 1:

*When marketing alcoholic beverages or alcoholic beverage-like preparations to consumers, particular moderation must be observed. Advertising or other marketing measures may not be intrusive, solicitous, or encourage the use of alcohol.  
Marketing may not be explicitly aimed at or portray children or young people under the age of 25.*

Chapter 7, section 3, in the same law states:

*When marketing alcoholic beverages or alcoholic beverage-like preparations to consumers, commercial advertisements may not be used in television broadcasts, pay TV, or audio-radio broadcasts.*



*A provider of a video-sharing platform may not provide such commercial advertisements as referred to in the first paragraph before, during, or after user-generated videos or television programmes on the platform.*

4.27.2.2.2. Audiovisual commercial communications for medicinal products and medical treatment available only on prescription in the member state

Chapter 9 a, section 11, of the RTA provides restrictions as follows:

*A video-sharing platform provider shall not provide advertising for medical treatments that are only available on prescription before, during or after user-generated videos or television.*

4.27.2.2.3. Surreptitious audiovisual commercial communications

Section 8 of the Marketing Act on Misleading Marketing provides that:

*Marketing practices which are misleading pursuant to any of the provisions of Sections 9, 10 or 12-17 shall be deemed unfair if they influence or are likely to influence the recipient's ability to take a well-founded commercial decision.*

*Such misleading marketing practices as are set forth in sections 1-23 of Annex I to Directive 2005/29/EC shall always be deemed unfair.*

4.27.2.2.4. Subliminal techniques in commercial communications

The same rules as for surreptitious audiovisual commercial communications apply.

4.27.2.2.5. Prejudice with regard to human dignity

There are no restrictions on this matter specific to VSPs.

4.27.2.2.6. Inclusion or promotion of any discrimination (e.g., on the grounds of sex, racial or ethnic origin, nationality, religion, etc.)

Chapter 9 a, section 3, of the RTA states:

*A video-sharing platform provider shall take appropriate measures to ensure that user-generated videos, television programmes and audiovisual commercial communications on the platform do not contain the content referred to in the provisions on*

- 1. unlawful threats in Chapter 4, section 5 of the Swedish Criminal Code;*
- 2. inciting crime in Chapter 16, section 5 of the Swedish Criminal Code;*
- 3. agitation against a population group in Chapter 16, section 8 of the Swedish Criminal Code;*
- 4. child pornography offences in Chapter 16, section 10a of the Swedish Criminal Code;*



- 5. *unlawful depiction of violence in Chapter 16, section 10c of the Swedish Criminal Code;*  
or
- 6. *public incitement to terrorism or particularly serious crime in section 7 of the Terrorist Offences Act (2022:666).*

The Criminal Code provides for the unlawfulness of threats against another person or another person's property, liberty or peace. It also treats any incitement to commit a criminal act, whether transmitted orally or in a written document disseminated or made available for dissemination, or in some other communication to the public, and any other attempts at inducing others to commit a criminal act, etc. as a criminal offence. It also provides for criminal charges for acts, in a statement or other communication that is disseminated, which threatens or expresses contempt for a population group by allusion to various characteristics, such as race, colour, national or ethnic origin, etc. It further provides for the prohibition of child pornographic images.

Also, the Swedish Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime, refers to international treaties prohibiting these acts.

#### 4.27.2.2.7. Encouragement of behaviour prejudicial to health or safety

Chapter 9 a, section 3, of the RTA states that a provider of a VSP shall take appropriate measures to ensure that user-generated videos, television programmes and audiovisual commercial communications made available on the platform do not include content in breach of certain provisions in the Swedish Criminal Code and the Swedish Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime (2010:299), which deal with various aspects, including the unlawfulness of threats against another person or another person's property, liberty, peace, etc.

#### 4.27.2.2.8. Encouragement of behaviour grossly prejudicial to the protection of the environment

There are no restrictions on this matter specific to VSPs.

#### 4.27.2.2.9. Causing physical, mental or moral detriment to minors

Chapter 9 a, section 1, of the RTA stipulates:

*A video-sharing platform provider shall take appropriate measures to ensure that user-generated videos, television programmes and audiovisual commercial communications involving realistic and detailed depictions of violence or pornographic images are not provided in such a way that there is a significant risk of children being able to watch them, unless this is nevertheless justifiable for particular reasons.*



Chapter 9 a, section 9, stipulates that a video-sharing platform provider may not interrupt user-generated videos or television programmes primarily aimed at children under 12 years of age for commercial advertising. Nor may the provider insert commercial advertising immediately before or after user-generated videos or television programmes or segments thereof primarily aimed at children under 12 years of age.

Chapter 9 a, section 10, stipulates that a video-sharing platform provider may not provide commercial advertising intended to capture the attention of children under 12 years of age before, during or after user-generated videos or television programmes.

#### 4.27.2.2.10. Other

Chapter 9 a, section 2, stipulates that personal data collected or otherwise generated by video-sharing platform providers in order to fulfil the requirement for measures pursuant to Chapter 9 a, section 1, may not be processed for commercial purposes.

### 4.27.3. Sponsorship and product placement

Certain obligations stem from the revised AVMSD vis-à-vis sponsorship and product placement and these parts aim at identifying the rules and practices pertaining to these two specific categories of commercial communications.

#### 4.27.3.1. Sponsorship

Chapter 9 a, section 6, of the RTA obliges VSP providers to identify sponsors, when entering into or facilitating a sponsorship agreement for user-generated videos or television programmes, and to thereby:

*[...] state who has sponsored the video or programme. Such notice shall be given at the beginning or the end of the video or television programme.*

Chapter 9 a, section 7, stipulates that certain prohibitions and restrictions on sponsorship agreements (listed in Chapter 7, sections 2-3a of the RTA) regarding, *inter alia*, alcohol, tobacco, electronic cigarettes, gambling and medicinal products, apply to VSP providers that enter into or facilitate a sponsorship agreement for user-generated videos or television programmes.

#### 4.27.3.2. Product placement

Chapter 9 a, section 4, stipulates that a video-sharing platform provider that enters into or facilitates agreements on product placement in user-generated videos or television programmes shall ensure that there is information about the existence of product





placement in these videos or television programmes. The information shall be provided at the beginning and at the end of the video or programme and when it resumes after an advertising break. The information shall solely consist of a neutral statement on the occurrence of product placement and of the product or service that has been placed in the video or programme.

In addition to product placement identification, restrictions can be found in Chapter 9 a, section 5. This provision prohibits VSP providers from “entering into or facilitating an agreement of product placement in user-generated videos or television programmes”, if the product placement relates to goods and services such as, *inter alia*, alcohol, tobacco, electronic cigarettes and medicinal products (listed in Chapter 6, section 2, points 1–8 of the RTA) or if the video or programme is primarily aimed at children under 12 years of age.

#### 4.27.4. Obligations regarding (v)blogs and (v)blogging

(V)blogs are not specifically mentioned, but the preparatory work relating to the amendments to the RTA refers to the scope of application of relevant rules, in terms of inclusion of all economic activities, except services without economic purposes that do not compete with TV broadcasters or on-demand services and hence fall outside this scope,<sup>557</sup> for example private web pages and distribution of audiovisual content produced by private users for the purpose of exchange within interest groupings.

(V)blogs are mentioned in the publications of the Swedish Press and Broadcasting Authority, MPRT (SPBA),<sup>558</sup> as covered by the constitutional protection regulations applicable to online publications.

#### 4.27.5. Other relevant information

Appropriate measures in Article 28b (3): Regarding the appropriate measures referred to in the AVMSD, the RTA does not include a list of the measures, but the preparatory work clarifies that the appropriate measures referred to in Chapter 9a shall consist of measures such as those listed in Article 28b (3) of the revised AVMSD, as appropriate.

Practicability of the measures imposed on VSP providers: No specific provision of the RTA deals with the issue of practicability of the measures imposed on VSP providers, but it is described in further detail in the preparatory work, where the size of the VSP, the nature of the service and the content are mentioned as relevant factors when deciding what is an “appropriate measure”.

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<sup>557</sup> [https://www.riksdagen.se/sv/dokument-lagar/dokument/proposition/en-moderniserad-radio--och-tv-lag\\_H703168/html](https://www.riksdagen.se/sv/dokument-lagar/dokument/proposition/en-moderniserad-radio--och-tv-lag_H703168/html).

<sup>558</sup> Myndigheten för press, radio och tv, <http://www.mprt.se/>.



Registration/notification system: A new obligation for providers of VSPs to register with the SPBA is included in Chapter 2, section 2, of the RTA. The Authority already keeps a public database of registered media service providers. This register will now also include providers of VSPs.

## 4.27.6. Content-related rules regarding commercial communications for VSP providers

While certain restrictions regarding the content of commercial communications stem from the revised AVMSD and relate to issues connected to the protection of minors and restrictions on the advertising of certain products and services, this part deals with less-explored notions, such as rules pertaining to gambling, environmental claims vis-à-vis products and services, etc.

### 4.27.6.1. Advertising of, or on behalf of associations that are wholly or mainly concerned with religion, faith and other belief systems

No specific provisions deal with this issue.

### 4.27.6.2. Gambling, betting, betting tipsters, etc.

Chapter 9 a, section 5, stipulates that a video-sharing platform provider may not enter into or facilitate an agreement on product placement in user-generated videos or television programmes if 1) the product placement relates to the goods and services listed in Chapter 6, section 2 [point 5], or 2) the video or programme is primarily aimed at children under 12 years of age:

*In television broadcasts or on-demand television, product placement shall not appear of 5) gambling products from companies that do not have the required licence in accordance with the Gambling Act (2018:1138).*

Chapter 9 a, section 7, stipulates that the provisions on the prohibition of and restrictions on sponsorship in Chapter 7 [section 2 b] apply to a video-sharing platform provider that enters into or facilitates sponsorship agreements for user-generated videos or television programmes.

*Chapter 7, section 2 b, stipulates that a company whose principal activity is to provide gambling services and that does not have the necessary licence pursuant to the Swedish Gambling Act (2018:1138) may not sponsor a programme [...].*

Chapter 9 a, section 12, provides that provisions prohibiting marketing can also be found in [...] the Swedish Gambling Act (2018:1138) [...].



#### 4.27.6.3. Environmental or “green” claims for products

No specific provisions deal with this issue.

#### 4.27.6.4. Other

N/A.

### 4.27.7. Self- and co-regulation and enforcement

This section aims at identifying the legal framework and practice for self- or co-regulatory schemes and measures regarding commercial communications on VSPs, including identification of the body or bodies in charge of self- and co-regulation and enforcement powers with regard to commercial communications and VSPs, as well as the scope of their activities with regard to commercial communications and VSPs.

#### 4.27.7.1. Self- and co-regulatory bodies

##### 4.27.7.1.1. Context of establishment and legal background

The SPBA has a general obligation to cooperate with other relevant authorities (e.g., the Swedish Media Council on media literacy and The Swedish Consumer Agency on market law obligations).

The SPBA is further tasked with contributing to / assisting with systems for co-regulation regarding the appropriate measures VSP providers must take. The government states in its preparatory work however that it is likely that very few platform providers will be covered by the RTA. Therefore, there are currently limited opportunities for co-regulation in Sweden. The work at European level should be taken into account on a national level.

For the self-regulatory measures mentioned in sub-sections 4.27.7.1.2, 4.27.7.1.5 and 4.27.7.2, the applicable rules are relevant when content is edited. Therefore, rules apply when VSPs provide their own content or edit the content of the content providers. Outside of this scope of activity, VSPs are more often content providers, in which case, the rules presented in the above-mentioned sub-sections do not apply.

Besides, it should be noted that content providers (i.e., VSPs) bear a limited responsibility for content (for both regulatory and self-regulatory cases). VSPs are required to do their best to ensure the content follows relevant regulations.

Self-regulatory instruments include rules on ACCs for HFSS foods and beverages, inappropriate ACCs for alcoholic beverages and ACCs which encourage behaviours grossly prejudicial to the protection of the environment.



#### 4.27.7.1.2. Stakeholders involved

In addition to the SPBA, self-regulatory measures are established within the Media Ethics Board (MEB).<sup>559</sup> The MEB is composed of representatives of the public and industry stakeholders. The MEB is led by a judge and trials are limited to questions on damage due to publicity injury for a private individual (unmotivated invasion of privacy). Cases are tried upon complaint by individuals. Trial by MEB is free of charge for the individual. If a mass medium is criticised by the MEB, it is ordered to pay a fee that goes towards financing the self-regulatory system.

#### 4.27.7.1.3. Scope and objectives

See under 4.27.7.1.1.

#### 4.27.7.1.4. Code(s) of conduct

Self-regulatory measures include ethical rules for the press monitored by the Public Media Ombudsman (PMO)<sup>560</sup> and the Media Ethics Board (MEB)<sup>561</sup> as well as the Swedish Advertising Ombudsman.<sup>562</sup>

#### 4.27.7.1.5. Role of the (self-)regulatory bodies

The Public Media Ombudsman (PMO),<sup>563</sup> an independent self-disciplinary body handling complaints about the editorial content of newspapers, magazines, broadcast media and their websites and social media, and the Media Ethics Board (MEB),<sup>564</sup> cover all media publication within the scope of self-regulation, regardless of the platform used – thus also radio, TV broadcasts and web publications.

A prerequisite is that the publication is covered by constitutional legal protection in the form of freedom of the press and freedom of expression or that publication occurs in social media under the brand of a mass media company and that it contains statements that the publisher can control. Publication must also take place in a mass medium managed by a company connected to one of the founding organisations of the organisation behind the PMO and MEB or must have been performed by a company or individual directly associated with the self-regulatory system or fulfilling the requirements relating to coverage by constitutional protection for periodic publication.

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<sup>559</sup> Etikprövningsmyndigheten, <https://etikprovning.se/>.

<sup>560</sup> <https://medieombudsmannen.se/about-the-media-ombudsman/code-of-ethics-for-press-radio-and-television-in-sweden/>.

<sup>561</sup> <https://accountablejournalism.org/press-councils/Sweden>.

<sup>562</sup> <https://www.reklamombudsmannen.org/>.

<sup>563</sup> Pressombudsmannen, <https://www.dagensmedia.se/om/pressombudsmannen/>.

<sup>564</sup> Etikprövningsmyndigheten, <https://etikprovning.se/>.



4.27.7.1.6. Period of activity (if limited)

N/A.

4.27.7.1.7. Role of the regulatory authority in a co-regulatory system

N/A.

*4.27.7.1.7.1. Regulatory body*

N/A.

*4.27.7.1.7.2. Co-regulatory scheme*

N/A.

*4.27.7.1.7.3. Relationship and roles of stakeholders*

N/A.

**4.27.7.2. Monitoring/evaluation, compliance and sanctioning powers**

The competent regulatory body is primarily the SPBA, but the Swedish Broadcasting Commission (an independent body within the SPBA), the Swedish Consumer Ombudsman and the Swedish Authority for Privacy Protection also have supervisory responsibilities (Chapter 16, sections 2-4 a, of the RTA).

The SPBA may decide on orders necessary to ensure that a VSP provider complies with the provisions on appropriate measures in Chapter 9a, sections 1, 3 and 13, of the RTA. At the request of the SPBA, a VSP provider must provide the information needed for supervision. The SPBA may also decide on orders necessary to ensure that a VSP provider complies with the obligation to register with the SPBA in Chapter 2, section 2, of the RTA. The orders related to the obligation to register may be combined with a conditional fine.

The Swedish Broadcasting Commission shall, in the same way as for television programmes, exercise supervision over the provisions on product placement, sponsorship and advertising. Failure to comply with the conditions set out in these provisions may result in the imposition of a special fee.

The Consumer Ombudsman shall, in the same way as for television, exercise supervision with regard to the provisions on advertising and children, as well as the prohibition on advertisements for medical treatments which are available only after prescription. An infringement shall be regarded as improper marketing in accordance with the Marketing Act.



The SPBA was tasked to begin the process of developing an out-of-court redress mechanism for video-sharing platforms. The mechanism had to be independent from the SPBA. The SPBA reported its finding to the Swedish government in June 2022.<sup>565</sup>

With regard to radio and TV programs, only physical persons can complain to the MEB. With regard to publications in the press both physical and legal persons can request a correction or reply with the PMO and the MEB.

## 4.27.8. Cross-sector and cross-border collaboration

The MPRT has a general obligation to cooperate with other relevant authorities (e.g., Swedish Media Council<sup>566</sup> on media literacy and The Swedish Consumer Agency<sup>567</sup> on market law obligations).

## 4.27.9. Update on plans and practices related to new obligations of VSPs

N/A.

## 4.27.10. Studies, reports and research

The following reports have been prepared in relation to audiovisual commercial communications:

- Information and analysis of the new regulations, Lindahl, December 2020<sup>568</sup>
- Analyses of the market law association of the court case of the Patent and Market Court of Appeal, case number PMT 12229-19, March 2021<sup>569</sup>, related to marketing of alcoholic beverages on Facebook<sup>570</sup>

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<sup>565</sup> <https://www.mprt.se/nyhetsrum/nyhetslista/2022/mekanism-for-tvistlosning-mellan-anvandare-och-leverantorer-av-videodelningsplattformar/>.

<sup>566</sup> Statens medieråd, <https://statensmedierad.se/>.

<sup>567</sup> Konsumentverket, <https://www.konsumentverket.se/languages/english-engelska/>.

<sup>568</sup> <https://pressrum.lindahl.se/posts/blogposts/nyhetsbrev-ict-december>.

<sup>569</sup> <https://www.domstol.se/globalassets/filer/domstol/patentochmarknadsoverdomstolen/avgoranden/2021/pmt-12229-19.pdf>.

<sup>570</sup> [www.marknadsrattsforeningen.se/wp-content/uploads/2021-05-20\\_Presentation\\_Magdalena-Berg.pdf](http://www.marknadsrattsforeningen.se/wp-content/uploads/2021-05-20_Presentation_Magdalena-Berg.pdf).



## 4.27.11. Data compilation

This factsheet is based on data compiled by Malin Wallin, a lawyer at Wallin Olofsson Advokatbyrå.