SUPREME COURT'S
JUDGMENT

delivered in Stockholm on 19 August 2025

Case no.
T 3007-24

PARTIES

Appellant

1. A.F.

2. A.Z.

Counsel for 1 and 2: Attorneys T.F. and M.J.

Respondent

Refvelsta Godsförvaltning AB, company registration no. 556785-2362
Altuna Göksbo 1
749 71 Fjärdhundra

Counsel: Attorney J.B.

THE MATTER

Better right to meteorite

RULING APPEALED

Judgment of the Svea Court of Appeal of 2024-03-21 in case T 835-23

JUDGMENT

In modification of the judgment of the court of appeal, the Supreme Court affirms the judgment of the district court, releases A.F. and A.Z. from the obligation to compensate Refvelsta Godsförvaltning AB for costs of litigation incurred in the court of appeal, and orders the company to compensate A.F. and A.Z. for their costs of litigation incurred in the court of appeal in the amount of SEK 218,875, of which SEK 175,100 pertains to counsel fees, and interest in accordance with Section 6 of the Interest Act from 21 March 2024.

The Supreme Court orders Refvelsta Godsförvaltning AB to compensate A.F. and A.Z. for costs of litigation incurred in the Supreme Court in the amount of SEK 273,909, of which SEK 219,127 pertains to counsel fees, and interest in accordance with Section 6 of the Interest Act from the date of this judgment.

CLAIMS IN THE SUPREME COURT

A.F. and A.Z. have requested that the Supreme Court modify the judgment of the court of appeal and reject Refvelsta Godsförvaltning AB's claim regarding a better right to the meteorite. A.F. and A.Z. have further requested that the Supreme Court release them from the obligation to compensate Refvelsta for costs of litigation incurred in the district court and court of appeal and order Refvelsta to compensate them for costs of litigation incurred in these instances.

Refvelsta has opposed modification of the judgment of the court of appeal.

The parties have claimed compensation for costs of litigation incurred in the Supreme Court.

REASONS FOR THE JUDGMENT

Background

1. On 7 November 2020, there was a meteorite fall. It subsequently turned out that a meteorite landed on a property outside Enköping owned by J.B. According to agreement, a company wholly owned by him – Refvelsta Godsförvaltning AB – has the right to all revenues generated by the property. J.B. and Refvelsta are agreed that the right pursuant to the agreement also applies to meteorites falling on the property.

2. Two geologists, A.F. and A.Z., searched for meteorites on the property in November and December. On 5 December 2020, they found an iron meteorite which weighed approximately 14 kilos. A couple of months later, they turned it over to the Swedish Museum of Natural History with which it is lodged pursuant to a deposit or loan agreement.

3. Refvelsta brought an action against A.F. and A.Z. for a better right to the meteorite. The district court rejected the action. According to the district court, the meteorite was to be regarded as personal property without an owner and the finders thus had a right to take it with them. By taking the meteorite into their possession, they became owners of it.

4. The court of appeal set aside the judgment of the district court and granted Refvelsta's action. The court of appeal was of the opinion that the meteorite constituted part of the property when it was found and that title to it was presumptively that of Refvelsta's. According to the court of appeal,

the finders do not have a better right to the meteorite pursuant to the right of public access or any practice or custom beyond the right of public access.

The parties' claims in the Supreme Court

5. A.F. and A.Z. have asserted that a newly fallen meteorite is to be regarded as personal property and that the title has become theirs as finders. Alternatively, they have asserted that, pursuant to the right of public access or other independent custom, they were entitled to take the meteorite even if it was deemed to be a part of the property on which it fell. Finally, they have stated that title to the meteorite is theirs and the opposing party equally in accordance with Section 9 of the Lost Property Act (1938:121).

6. Refvelsta, which has emphasised that the meteorite is of great value, has claimed primarily that it is to be regarded as constituting real property. Title belongs to Refvelsta due to the agreement with the property owner. In the event the meteorite is not deemed to constitute real property, title nonetheless belongs to Refvelsta by virtue of the fact that it constitutes such a natural product to which the property owner or its right holder holds title by virtue of possession of the property. Finally, title is asserted due to a more general possession of the meteorite.

What is at issue in the Supreme Court

7. The case concerns the issue of better right to a meteorite which has fallen on to a certain property and was taken by persons other than the property owner or his or her rights holder. The principal question is whether the meteorite is to be deemed to constitute a part of the real property on which it has fallen or is to be regarded as personal property.

Real or personal property?

Generally

8. The line between real and personal property is drawn in such a manner that the law states what constitutes real property and what constitutes a fixture to a property. The rules regarding this are found in the Land Code. Other property constitutes personal property.

The Land Code regime

9. Chapter 1, Section 1, first paragraph of the Land Code states that real property is land and it is divided into property units.

10. According to the preparatory works, the term land is to be understood in a broad sense and covers all parts of the surface of the Earth irrespective of whether they consist of topsoil, clay, rock, gravel or otherwise and irrespective of whether the surface of the Earth is comprised of dry land or is covered by water. Component parts under the surface of the Earth are also presumptively covered by the term and constitute part of the property. Similar statements are found in the preparatory works for the 1895 legislation regarding what constitutes real property. (*Cf.* Government Bill 1966:24, p. 58 and case NJA II 1896, p. 2 f. and, also, Government Bill 2004/05:40, p. 61 f.)

11. According to Chapter 2, certain specifically stated objects which, due to their special – more or less direct – connection to the land, have also been deemed to be in need of regulation as real property (property fixtures). Section 1, first paragraph provides, among other things, that a building constructed within the property for permanent use is a property fixture provided that the owner who added it also owns the property (see Section 4). Even "standing trees and other vegetation" and natural manure are property fixtures. The concept of fixture presupposes an external,

mechanical connection to the property (*cf.* Government Bill 1966:24, pp. 13 and 56).

12. A basic notion has been to relate to real property that which has a connection to the property and, typically, is permanent in nature and thereby possesses real, dependable value (*cf.*, *ibid.*, Government Bill, p. 64). That which is a fixture to real property is presumptively covered by the title to the property (*cf.* the "*Taxed Mountains Judgment*" case, NJA 1981, p. 1, specifically p. 244 f. and Bertil Bengtsson, *Sakrättsliga frågor i fastighetsrätten* [Issues of Right In Rem in the Law of Property], 6th ed., 1991, p. 19 f.).

13. In establishing the demarcation between real property and personal property, particular consideration has been given to the fact that these property types are subject to different legal rules and that the demarcation determines which property is included in the credit evaluation of certain property. From that perspective, it has also been deemed important that the demarcation is clear and easy to apply in practice. (*Cf.*, *ibid.*, Government Bill, pp. 5 and 56 and Torgny Håstad, *Sakrätt avseende lös egendom* [Personal Property Rights In Rem], 6th ed., 2000, p. 29 f.)

14. In conjunction with the determination of what is to be regarded as real property, there is cause to ascribe weight to the exterior, observable conditions. Such conditions may change over time. In the "*Slag Heap*" case, NJA 1959, p. 466, the question was whether copper waste (slag heaps) which had rested on the ground for a lengthy period of time had become part of the property on which it rested. The Supreme Court stated that, as conditions looked at the location, it appeared as though the slag heap and the land it rested upon were a natural unit. The slag heap was thereby considered to be real property.

The right of public access and the right to take natural products

Generally

15. Chapter 2, Article 15, fourth paragraph of the Instrument of Government states that everyone shall have access to the natural environment in accordance with the right of public access. The right may be regarded as a restriction on title to a property (see Government Bill 1993/94:117, p. 18 f.).

16. The right of public access may be described as a limited right, based on custom, for each and every person to use someone else's property, primarily by travelling over it on foot and, for shorter periods of time, to be present on the property and take from it certain natural products. A general limit on the right of public access is that the use may not be exercised where such use involves any substantial harm or other inconvenience for the property owner or other rightsholder.

17. What the right of public access entails more specifically is not defined in any statute. The scope of the right of public access follows, however, to a large extent, from a contrary reading of certain penalty provisions – primarily those concerning appropriation in forest and land and the prohibition against travelling over someone else's land – at the same time as the right of public access may also influence the assessment of what is punishable. The penalty provisions which prevent certain activities on someone else's land do not constitute an exhaustive regulation of what may not be done. A certain activity may be impermissible even if it is not punishable (*cf.* the "*Whitewater Rafting*" case, NJA 1996 p. 495).

Right to take natural products

18. The right of public access thus includes a right for each and every person to take certain natural products from the forest and land. The taking of certain natural products, however, is punishable in accordance with Chapter 12, Section 2 a of the Swedish Criminal Code. According to the provision, the unlawful taking of a "growing tree or grass, or a tree felled by the wind, or rock, gravel, peat or something else that has not been processed" and the taking of "twigs, branches, birch bark, bark, leaves, bast fibre, acorns or beech nuts, nuts or resin" from a growing tree constitutes causing minor damage. Where the appropriation of such products is not insignificant, liability for appropriation offences in accordance with Chapter 8 of the Swedish Criminal Code may arise. Furthermore, it is wholly forbidden to take cultivated products, e.g. cultivated flowers, which is regarded as an appropriation offence.

19. From the provision regarding causing minor damage, it is deemed to follow that it is permissible to take natural products from the forest and land other than those mentioned there. This applies principally to wild berries, wildflowers and herbs, mushrooms and cones. The fact that it is permissible to take such natural products is due to the robust tradition which gives everyone the right to pick such products in accordance with the right of public access, but also since these products are deemed to lack real economic value for the property owner. However, natural products which can be taken by everyone can have a sales value which is significant. (See the "*White Lichen*" case, NJA 1986, p. 637 and Government Bill 2016/17:131, p. 41.)

20. Notwithstanding the wording of the provision in Chapter 12, Section 2 a, minor appropriations of several of the natural products listed in the section are permissible. For example, it is regarded as permissible for

everyone to take rocks and grass in trivial quantities. It is also considered permissible to take samples in conjunction with mineral assays provided that it does not entail harm or inconvenience for the property owner.

21. The boundary between a permitted and impermissible taking is thus not given. Among other things, the harm thereby caused to the property owner is significant to determining which natural products one is entitled to take according to the right of public access and the extent thereof. The location where the taking occurs and the conditions at the location my also play a role. Clearly, a taking which entails substantial harm to the land and other vegetation is not permitted. (Compare the "*Pavement Rocks*" case, NJA 1874, p. 115 and the "*White Lichen*" case.)

Possession, etc.

22. As a general rule, a person is deemed to have an object in his or her possession when the object is either clearly under the person's immediate control or is at least situated in a manner approximating a normal placement which conforms with the object's condition and use. Things situated on land over which a person disposes – e.g. as owner or lessor, is presumably in his or her possession if the location of the thing is somewhat normal and the person knows that the thing is within the area.

23. A person who finds an object which is not owned by anyone and is not in anyone's possession is entitled to take the object and acquires title to it by virtue of taking possession (see, for example, Torgny Håstad, *ibid*., p. 43 f.).

How is the meteorite to be assessed legally?

24. A meteorite is a space rock which has entered the Earth's atmosphere and survived the braking process and the heat associated therewith. Meteorites are regarded as having substantial scientific value. They may be

used, among other things, to study the physical processes in the solar system, the manner in which planets and asteroids were created, and how meteorite falls have affected the Earth's development. Meteorites may also have substantial economic value.

25. The meteorites which reach the surface of the Earth are typically rock meteorites. Iron meteorites are more unusual (approximately 5 per cent). The presence of water on the Earth causes meteorites to rapidly corrode. They fall apart in wet environments. Certain meteorites last longer than others. A number of environments, e.g. deserts, are more favourable to meteorites than other environments.

26. According to information in the case, there are 14 known meteor strikes in Sweden, including the one at issue. In addition, it has been stated that there is a network which is engaged in searching for meteorites and has developed methods to trace meteorites. Meteorite falls draw both national and international attention.

27. It may be noted that there is no legislation or other regulation that has in view title to meteorites. Nor is there any regulation which pertains to the rights or obligations of those who encounter a meteorite.

28. A determination of whether the owner of the property on which a meteorite is situated has title to it should have as its starting point the regime which determines what constitutes real property.

29. As stated above, real property consists of land or that which, according to a special regulation thereon, constitutes property fixtures. That which constitutes real property is thus stated positively. A meteorite cannot be deemed to be a property fixture. In order for a meteorite to be viewed as part of the real property, it is necessary that it can be deemed to constitute a component of the land. That which constitutes real property should have a

connection to the property and, typically, be permanent in nature (*cf.* para. 12).

30. The term land covers, among other things, clay, rock and gravel. Material of this type which is on the property is thus a normal part of the real property. However, this is not necessarily the case where it is apparent that the material does not belong to the property on which it is found or the material in some other manner can be traced to another owner.

31. Decisive to the assessment of whether a meteorite constitutes a part of the real property should be that the meteorite is unique in that it comes from space and due to its material and characteristics. It differs from rocks and other such material which constitutes component parts of real property. Even if a layman cannot always distinguish a meteorite from a rock, it may in any case, following testing, be established whether an object is a meteorite or not.

32. All in all, the starting point should be that a meteorite does not constitute a component part of the real property on which it has landed.

33. The aforementioned does not exclude the possibility that a meteorite, following the passage of a certain amount of time, may become an integrated part of the land and, on this basis, may be regarded as a part of the real property on which it is situated. This also does not exclude the possibility that a meteorite which has recently fallen can become immediately connected to the land in such a way that it may be deemed to be an integrated part of it. The outer, discernible conditions – which may thus change over time – are significant to the assessment (*cf.* para. 14).

34. It is inevitable that demarcation issues arise. However, the difficulties are not to be exaggerated and they should not be afforded any

decisive weight as to the manner of legally assessing a meteorite (*cf.* para. 13).

35. In summary, a meteorite may be regarded as personal property if it has not been integrated with the real property. A finder can acquire title to a meteorite which constitutes personal property by taking possession of it (see para. 23).

The assessment in this case

36. It is apparent from the investigation that the meteorite was found in a moss-covered area on a rock outcrop on the relevant property. It had recently fallen and was situated so as to be easily accessible. Thus, it had not been integrated with the land. Against this background, the meteorite constituted personal property. This is true irrespective of whether the meteorite has a not insignificant economic value.

37. It has not been asserted that the property owner or anyone who worked for Refvelsta had found it or was even sure that there was a meteorite on the property. Under such circumstances, the meteorite cannot be deemed to have been in the possession of the property owner or Refvelsta when it was found (*cf.* para. 22). Since it – in so far as has come to light from what has been asserted in the case – was not owned by anyone nor was in anyone's possession, the finders have the right to take the meteorite. On this basis, they acquired title to it (*cf.* para. 23).

38. The aforementioned entails that Refvelsta's assertions in support of their action do not entail that the company has a better right to the meteorite than A.F. and A.Z.

39. The judgment of the court of appeal shall, with regard to the above-stated, be modified and the district court's judgment shall be affirmed both on the merits and with respect to costs of litigation. The judgment of the

court of appeal shall also be modified on the issue of costs of litigation incurred there.

40. In light of this outcome, A.F. and A.Z. are entitled to compensation for the costs of litigation incurred in the Supreme Court.

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Justices of the Supreme Court Anders Eka (dissenting), Agneta Bäcklund, Petter Asp, Cecilia Renfors (reporting Justice) and Christine Lager participated in the ruling.
Judge referee: Johan Gredenius.

DISSENTING OPINION

Justice Anders Eka dissents and affirms the judgment of the court of appeal and states the following.

I support the statements of the majority until paragraph 26 and note, like the majority, that there is no legislation or other regime which has in view title to meteorites.

The question regarding the manner in which meteorites are to be legally assessed should, as asserted by the majority, have as its starting point what constitutes real and personal property. In my view, particular weight should thereupon be attributed to the fact that the regime in the Land Code regarding what constitutes real property is based upon the notion that the term land used in Chapter 1, Section 1 is intended to be understood in a broad sense and, among other things, covers all parts of the surface of the Earth. Land thus includes, among other things, clay, rock and gravel. As a starting point, minerals and other materials under the surface of the earth are also included. A fallen meteorite often demonstrates exterior similarities to, above all, rocks and can, particularly when the meteorite has been resting on the ground for a period of time, be difficult to differentiate from other material on the ground, in any case for an observer who does not possess special knowledge. To this is to be added that meteorites do not consist of any material which is not normally found on the surface of the Earth. The above-stated suggests in my view that a meteorite – like that which normally applies to other natural materials which, due to the forces of nature, are moved from one property to another – should be regarded as part of the real property as soon as it lands on the ground.

In conjunction with the assessment of the manner in which one is to view meteorites, it may be further observed that certain meteorites, due to their weight and size, are easily moved and also removed from the place where they are found, while others are so large and heavy that they cannot be moved at all or may only be moved with mechanical force. The way I view the matter, it does not appear logical that the question of whether a fallen meteorite constitutes stray property or constitutes part of a property on which it has landed is to be determined by whether it is easily moved or not.

Nor should decisive weight be attributed to the length of time the meteorite has been on the ground. It is one thing if the meteorite has been affected by the environment and more or less incorporated into it. But, under favourable circumstances, a meteorite could rest relatively unaffected for a long period of time after it landed on the ground. It would not be an appealing state of affairs if something could rest on a property for a relatively long period of time – in any case, something of this type – and did not have an owner.

One argument to be asserted against allowing title to a fallen meteorite to belong to the property owner is the value which thereby befalls the property owner merely as a consequence of happenstance and random conditions. The meteorite, which may be of relatively substantial value, could equally have fallen on another property. Naturally, there is something to this reasoning, but the fact that such happenstance affects the value of a property is hardly unusual. Mineral finds and otherwise which were unknown to the property owner or anyone else may be discovered and affect the value of the property in an unforeseeable manner.

Nor should any weight be ascribed to that which has been stated in the case according to which it would be advantageous for the access to the meteorite for research purposes if it was regarded as personal property which can inure to the finder – as noted by the court of appeal – in the examination which must now be carried out.

All in all, in light of the aforesaid, I have come to the conclusion that a meteorite should be deemed to be a part of the real property where it has landed. Accordingly, it is covered by the property owner's title.

This means title to the relevant meteorite belongs to Refvelsta by virtue of an agreement entered into by the company with the property owner.

As the court of appeal has found, the right of public access has not granted A.F. and A.Z. any right to appropriate the meteorite. Nor does any such right follow from case law or custom.

The conclusion is that that Refvelsta has a better right to the meteorite.

Outvoted in this respect, I am agreed with the majority as regards the question of costs of litigation.

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