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ACTIVITY REPORT OF THE SUPREME COURT OF SWEDEN

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word from the President

The Supreme Court is a precedential court and, by virtue of its rulings, clarifies the rules which are subsequently applied by the general courts in their day-to-day operations. In this way, the rulings contribute to a uniform and foreseeable application of law, which is essential to maintaining the rule of law. Together with other courts, the Supreme Court also protects through its rulings the fundamental rights of individuals with the ultimate goal of ensuring that the exercise of power takes place within the framework established by the Constitution.

In order to be able to fulfil their mission, it is necessary for the courts of Sweden and other countries to be independent of the other state powers. There must be an impenetrable divide between the Parliament and the Government on one side and the courts on the other. A well functioning democracy presupposes adherence to the principles of a state governed by law. Among other things, these principles require the independence of the judiciary, the observance of equality before the law, the access of individuals to judicial review of cases and matters, and respect for fundamental freedoms and rights.

In recent years, the principles of a state governed by law have been challenged in several European countries and alarming incursions have been made, amongst others, into the defences of the independence of the courts. This is exemplified by developments in Poland and Hungary.

With this in mind, it is most gratifying that the elected representatives in Sweden's Parliament have supported proposed reforms which entail clear enhancement of the independence of the Swedish judiciary. Among other things, the reform entails amendments to the Constitution (the Instrument of Government) and, in the autumn of 2025, the Parliament adopted the first resolution regarding such amendments. Two resolutions are required to effect changes to the Constitution, and the expectation is that the new Parliament, which convenes after the autumn election, will finally adopt the reform by virtue of the second resolution.

Amongst other changes, the reform involves the establishment of a new, more independent body for the governance and management of the judiciary. According to the proposal, its activities will be managed by a judicial board of which the majority

Anders Eka

Justice and President
of the Supreme Court

of the members come from the courts. As far as the Supreme Court is concerned, the proposed amendments also provide an additional strengthening of the protection of the position and independence of the Justices. According to plan, the reform will be implemented at the beginning of 2027.

In order for the Supreme Court to be able to carry out its mission in the best way possible, it requires not only a robust legal foundation, but sound organisational conditions as well. In recent years, the Supreme Court has experienced a clear increase in case flows. So as to accommodate this growth, staffing of the Court has been gradually augmented.

As a result of this development, we have been compelled to use our premises more efficiently. Some of the large working spaces have been divided and new “work landscapes” have been created. Owing to well functioning digital work methods, staff can be based in the distant locations of Gothenburg, Lund or Umeå. This has afforded us better conditions for recruiting broadly while offering work where our employees live or close by. At the same time, we have placed great weight on ensuring that the collegial work process – which is fundamental to the work of the Supreme Court – is not affected by the fact that some colleagues have their principal place of work outside Stockholm. You can read more about this later on in the Activity Report.

Notwithstanding the great deal of effort put into creating efficient working methods to accommodate the substantial increase in case flows in recent years, this has not distracted from the principal task of the Supreme Court – to deliver precedents. During the year, nearly one hundred precedents were issued. This Activity Report contains an account of several of these rulings.

This year’s Activity Report also highlights visitor activities – an area which has continued to develop. In recent years, the

Court has received a large number of study visits and, in 2025, not the least from upper-secondary schools. These visits are particularly important. They contribute to furthering the understanding of the function of the judiciary and make it possible for young people to get an idea of how justice is actually administered. As far as the Court is concerned, this is an important part of the work involved in creating greater transparency and enhancing trust.

This Activity Report also draws attention to some of the Court’s new colleagues. Two new Justices joined the Court during the year and they are introduced in greater detail.

The Court has hosted precedent seminars in various legal areas for many years. Last year, a seminar was held focusing on disputes and, in 2025, a precedent seminar was arranged which focused on criminal law. The seminar created the opportunity for in-depth discussions regarding continuing trends in the area of criminal law. A core element of these gatherings is that the participants are afforded the opportunity to present their opinions on issues or areas which, in their view, are in need of additional guidance in the form of rulings from the Supreme Court. Through dialogue with members of the Swedish Bar, prosecutors and other legal professionals, the Court gains valuable insight while contributing to improving the understanding of the way in which the creation of precedents works in practice. This year’s Activity Report contains an article detailing the seminar and the issues addressed there.

In conclusion, I wish you rewarding and inspiring reading. I hope the Activity Report provides an enlightening and interesting picture of the work of the Supreme Court this past year.

ANDERS EKA
JUSTICE AND PRESIDENT
OF THE SUPREME COURT







Two new Justices

Two new Justices joined the Supreme Court in 2025. Katrin Hollunger Wågnert, who was Director-General for Legal Affairs at the Ministry of Justice, started in January, while Erik Sjöman, previously a partner at Vinge law firm, joined in September.

Why did you choose law?

Katrin: I was interested in literature, art and history, and considered, among other things, something that was called the cultural studies programme. But I didn't know what kind of profession this would lead to. One possibility was to become a teacher, but I knew I didn't want that. The choice came down to law studies since I wanted an education that would lead to a solid profession. I have never regretted it.

Erik: It was arbitrary from the start. I was quite undecided amongst several different paths, and what ultimately decided it was the fact that law was the alternative that my family already had some experience with.

What attracted you to apply to be Justice?

Katrin: It was the prospect of working together with highly qualified colleagues in a collegial environment on interesting legal issues without

obvious solutions. I recognised that I missed the opportunity to deep dive into difficult questions. I did not always have time for that in a fast-paced political environment - which has its own charms.

Erik: Without a doubt – and really quite obviously – it was mainly the creation of precedent that was attractive. Being part of that, together with the sharpest conceivable colleagues and to influence it to some degree. Also, there was a point when some people thought it was a good idea for me to apply, which maybe acted as a catalyst.

What hopes and expectations do you have regarding the work?

Katrin: My hope of working collaboratively on interesting legal issues has genuinely been fulfilled, as well as working in an unpretentious environment where the opinions of others are respected and benefitting from everyone's expertise.

Katrin Hollunger
Wågnert

Justice

Erik Sjöman

Justice



Erik: I look forward to the teamwork amongst the Justices, focusing on the law, and to be able to work with all the smart and pleasant people in the organisation in general.

You have different backgrounds – what do you bring from your previous work?

Katrin: I have extensive experience in legislative work where the goal is to write, to the extent possible, clear legal texts and clear, well developed preparatory works to guide the application of the law. The goal is the same here – to provide clear guidance for legal practitioners. Sometimes it is because the legislature hasn't really quite succeeded in doing so.

Erik: I am thoroughly versed in commercial law and somewhat more in the functioning of limited companies and capital markets. I am also used to working in a pragmatic and solution-oriented way in difficult situations and always with the highest possible quality as my lodestar.

How would you describe the initial period at the Court?

Katrin: Time has flown by. It has been interesting and stimulating. I have felt very well received by everyone at the Court. I am also impressed by their professionalism in the organisation, not the least by the extraordinarily skilled drafting law clerks and the judge referees who supply us Justices with high-quality materials.

Erik: Naturally, much of it is novel, both large and small, but my general impression is very positive. I am also

impressed by the materials we receive - they have a scope and depth for which law firms occasionally do not have the time.

Are there any particular issues you want to address at the Supreme Court?

Katrin: I hope to be involved with and decide many different matters – it is the breadth I find attractive. Yet I can't deny that I have a specific interest in constitutional issues. A case with elements of freedom of the press or freedom of expression would be extra-interesting.

Erik: Some might think that I am hoping mostly for complicated topics involving precedential subjects relating to corporate law – which is obviously interesting given my background – but much of the appeal is in fact involving myself with exciting issues in a much broader area of the law. Back when I was at university, it struck me several times that the subjects and problems that did not seem so exciting on the surface turned out to be highly interesting when there was the opportunity to delve deeper.

What do you think will be the greatest challenge in your role as Justice?

Katrin: The case flow is a challenge for the whole Court, even if not just for me specifically. A society – and a world – undergoing rapid changes involves a great deal of new legislation. This requires the highest court to provide guidance to legal practitioners through precedent to ensure uniform and legally certain application. ►

Anders Perklev
Justice

**Katrin Hollunger
Wågner**
Justice



Katrin Hollunger Wågnert

Born 1968

Law degree, Lund University, 1991

Service at the Gothenburg District Court, 1992-1995

Master of European Law, University of London, 1992-1993

Associate, Lagerlöf & Leman law firm, 1996-1997

Associate Judge, Court of Appeal of Western Sweden, 1999

Service at the Ministry of Justice, 1999-2024

- Legal expert, deputy director and senior adviser at the constitutional unit, 1999-2008
- Senior adviser at, and deputy head of, the prosecutorial unit, 2009-2013
- Deputy director-general at, and head of, the constitutional unit, 2013-2017
- Director-general for legal affairs including, among others, the constitutional unit, the criminal law unit and the unit for procedural law and matters regarding courts, 2017-2024



Erik Sjöman

Born 1975

Member of the Supreme Court since 2025

Master of Laws, Lund University, 2000

Lawyer at the Vinge law firm, 2000–2025, partner from 2008

Member of the Nasdaq Stockholm Listing Committee, 2010–2016

Member of the Board of Directors of the Lund University Centre for Business Law, 2016–2025, Chairman since 2021

Member of the Board of Directors of the Swedish Bar Association, 2017–2022

Honorary Doctor of Laws, Lund University 2023

Member of the Swedish Securities Council and Nasdaq Stockholm's Disciplinary Committee



Erik Sjöman
Justice

Erik: Yes, the case load cannot be ignored. Certainly, it is a challenge for the Court in general to absorb the great quantity of cases without impacting the activity of creating precedent. On a more personal level, however, it is rather about me getting used to a more scheduled – planned by someone else – existence.

Were you attracted to any profession other than law?

Katrin: During my upper-secondary school years, I was attracted to the idea of being a journalist because I enjoy writing. I was also interested in becoming an archaeologist after I had seen a fascinating documentary on the excavations at Pompeii.

Erik: I considered studying philosophy, but my attention was drawn to a sarcastic diagram indicating that the career paths were limited to philosophy research or unemployment... And the prospects for becoming a doctor were dashed by me back when I made my choice of upper-secondary school major.

What do you like to do most when you're not working?

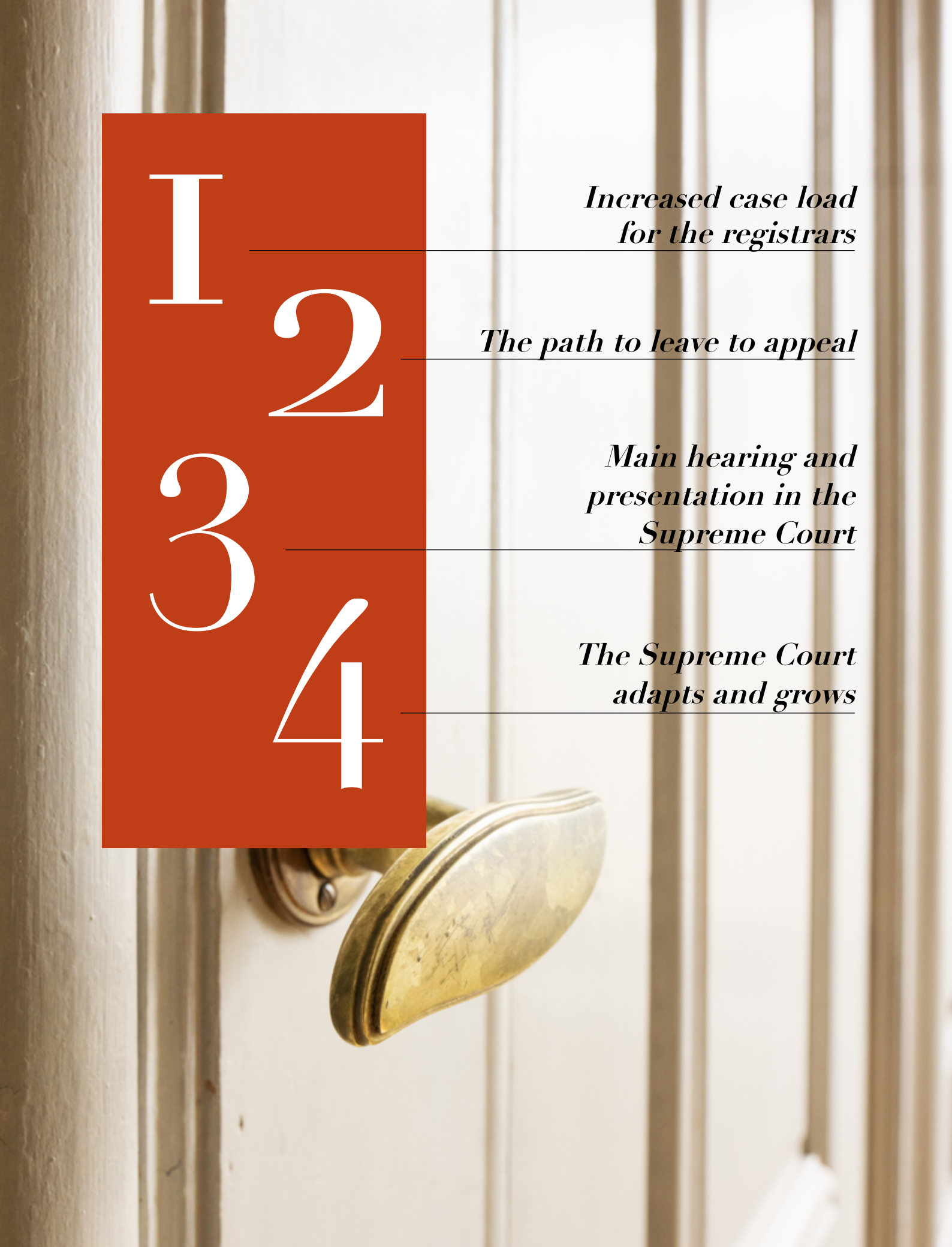
Katrin: I socialise with my family and friends, preferably at our summer place, where we also spend a lot of time during the winter. I also read fiction and do puzzles. It is very relaxing and my thoughts on subjects both big and small can wander freely.

Erik: Not working? That's a tough one, but the family helps.



he inner workings of the Supreme Court

Social developments in recent years have led to a continuous increase in the flow of cases into the Supreme Court. Dealing with an increasing number of cases requires significant resources. This had necessitated adaptations of the Court's working methods and scaling. At the same time, the Court's main task - to guide the application of law - remains the same. How does the Supreme Court rise to the demands of its mission in a changing world and how does this impact the Court's inner workings?



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Increased case load for the registrars

In recent years, the Registrar's Office of the Supreme Court has faced a growing influx of cases and matters. A new record was set in 2025 with just over 11,000 registered cases. The Registrar's Office may be said to be the gateway to the Court and carries out a number of different tasks. The increased workload imposes major demands on the expertise and efficiency of the staff who work there.

Initial steps in registration

All cases and matters appealed from Swedish courts of appeal are registered at the Registrar's Office of the Supreme Court. Following the Supreme Court's transition to digital management of appeals in 2020, the courts of appeal currently send appeals by e-mail. When the Registrar's Office has received an appeal, the registrar classifies the matter. The appeal – together with the rulings of the court of appeal and district court, as well as the record sheet – is reviewed. The appeal is designated either as a priority case or an ordinary case based on what is to be assigned priority according to the work procedures of the Supreme Court. Pending enforcement measures, custodial matters, and cases involving juveniles are examples of the criteria which determine whether or not a case is to be given priority. Registration of cases takes place expeditiously and is the first priority of the Registrar's Office.

When a case has been fully registered in the Vera case management system, it is assigned to the proper drafting unit and cabinet division. The assignment is partly automatic based on case codes from the lower courts, but many cases require greater attention from the registrar in order to be properly assigned.

Requests for mass extractions

Handling requests for so-called mass extractions - that is to say requests to obtain a large number of public documents which contain large quantities of personal data (e.g., rulings, record sheets and lists of pending or concluded cases) - are handled daily by the Registrar's Office. Such mass extractions are examined in accordance with Chapter 21, Section 7 of the Public Access to Information and Secrecy Act. The registrars are responsible for making a preliminary determination as to whether the ►

Sara Sundström
Registrar

Malin Bastholm
Registrar

requested documents may be released and whether such release is to take place subject to the reservation that the information may only be used subject to certain stated limitations. In the event the initial determination entails a release of the documents subject to a reservation, the party requesting the documents is informed, by means of a so-called administrative decision by an official, of the possibility to request a formal review. The matter is then normally taken up with a Justice.

Increase in communication with the public

The Registrar's Office also monitors and manages the e-mail inbox that does not relate to newly received appeals. The inbox receives a large number of e-mails every day. These pertain, among other things, to questions from parties and counsel in cases, from news agencies and journalists, as well as general views from the public. All incoming e-mail must be reviewed to determine how and by whom it is to be dealt with. The Registrar's Office also deals with physical post received by the Supreme Court. Documents relating to registered and pending cases are registered in those cases. Documents which are not related to a pending case receive replies administratively.

The greater the number of pending cases and matters before the Court, the greater the number of e-mail inquiries received by the registrars regarding the pending cases. The Registrar's Office also receives many inquiries by telephone. The number of calls varies from day to day but also increases in keeping with the number of pending cases before the Court.

Dealing with administrative inquiries

The Registrar's Office is responsible for the administrative diary and replies to and registers matters which cannot be ascribed to any case pending before the Supreme Court. In parallel with the increasing case load, inquiries from the public have also grown in number over time. Questions may concern the judgments and decisions of the Supreme Court or rulings from other courts. Many people seek legal advice notwithstanding that the Supreme Court may not provide such guidance.

On occasion, individuals contact the Supreme Court under the mistaken impression that the Supreme Court has an overall supervisory function relative to the courts and government offices throughout the country. The Registrar's Office must respond to such inquiries with correct and clear information and a respectful approach. The Supreme Court's administrative junior judges assist the registrars in responding to administrative questions which are more complex in nature.

Increased staffing

Work methods must be made continuously more efficient in response to the increase in case flows, a greater number of inquiries and views from the public, as well as day-to-day management of requests for mass extraction. The Registrar's Office has also augmented its staff from four to five full-time registrars, and a new work schedule has been implemented. The purpose is to be able to offer more efficient and better service to parties, courts and the public at large.



2

The path to leave to appeal

The principal task of the Supreme Court is to create precedent through its rulings, i.e. provide legal guidance as to the manner in which similar cases are to be decided in the future by the general courts and the judicial system in general. This task is usually referred to as the Supreme Court's *precedent-creating function*. This entails the careful selection by the Court of the cases where there is a need to clarify legislation or develop the application of law. When a case has been registered with the Supreme Court, work gets underway to determine whether there are adequate reasons for granting leave to appeal. ►

The case is received

When a case arrives at the Supreme Court, it is received by the Registrar's Office which initially registers the case based on the type of case and ensures that all documents are included. The case is then assigned to one of the Court's drafting units. Each drafting unit consists of several so-called cabinet divisions which receive all cases with the exception of special or priority cases. In the cabinet divisions, court clerks, drafting lawyers and judge referees work together. The court clerks are responsible for administration, while the drafting law clerks and judge referees review the material from a legal perspective. Justices are also involved with the cabinet divisions.

Permission to appeal or extraordinary reasons?

The Supreme Court is a precedential court, which means that the Court's principal task is to create clarity in respect of legal questions for which there is a need for guidance for courts, parties and others.

Such a need may arise when the statutory text leaves room for different interpretations or when the courts of appeal have reached different assessments in cases which concern the same legal question. The need for precedent may also arise by virtue of new legislation or as a consequence of social changes which give rise to legal questions that have yet to be clarified in case law.

An important task for the Supreme Court is to determine which cases should be admitted in order to provide guidance as to the manner in which other similar cases are to be adjudicated. Thus, it is not a matter of determining whether the lower courts have correctly adjudicated the individual case but, rather, whether the case can serve as guidance in the future. Accordingly, the work of the Supreme Court differs from that of the courts of



appeal which are tasked with determining the correctness of the judgments and decisions appealed to them. It is up to the Supreme Court itself to determine whether or not leave to appeal will be granted. Often, a grant of leave to appeal covers the case in its entirety. However, the Court may also grant leave to appeal which is limited to a specific question, a so-called partial leave to appeal.

In order to determine which questions are material to the application of the law, the Court carefully follows developments both in the law and society at large. For example, the Court holds precedential seminars with representatives of, amongst others, courts, prosecutors and members of the Swedish Bar Association to discuss questions deemed to be in need of guidance. One such precedential seminar is described later in this Activity Report. Pending legislative work and jurisprudential research also constitute important sources in this work.

In addition to the Supreme Court's possibility to grant leave to appeal (permission to bring an appeal) to provide guidance, the Court may also grant leave to appeal where extraordinary reasons exist, so-called extraordinary leave. Such reasons may be that the outcome in the court of appeal is due to a grave oversight. It may also involve situations in which the Court has clearly improperly applied the law or that a decision has been taken by someone who did not have the authority to do so. The grant of leave to appeal on the basis of extraordinary reasons is relatively unusual.

The initial work

When a case has been assigned to one of the Supreme Court's cabinet divisions, work gets underway to determine whether the Court should grant leave to appeal in the case. As previously mentioned, the

fact that guiding precedent is lacking or that the courts of appeal have reached different judgments on a certain issue can constitute reason why the Court will grant leave to appeal. On the other hand, if new legislation concerning the relevant issue enters into force shortly thereafter, this often argues against granting leave to appeal since the value of a precedent in such case may be expected to quickly decline or become moot.

In order for a guiding ruling to be clear, the case must also be suitable as precedent. While a case may indeed contain questions of principle, it may nonetheless be deemed unsuitable. This occurs, for example, when a legal question is less interesting or rarely arises. Even if the legal question in itself is deemed to be precedentially interesting, it does not go without saying that leave to appeal will be granted. This can be due to the fact that, among other things, the question did not arise with sufficient clarity in the relevant case or that the circumstances are so special that the question cannot be illuminated in a guiding way. The work of selecting which cases the Court hears for the purpose of creating precedent is characterised by a careful selection process.

When a case has been assigned to a cabinet division, an initial investigation is conducted as a rule by a drafting clerk who preliminarily determines whether the case is precedentially interesting or whether there are extraordinary reasons for granting leave to appeal. This is intended to quickly separate out appeals which are clearly not precedentially interesting or where it has been clear from the outset that extraordinary reasons for granting leave to appeal are not present.

The starting point for the assessment is the circumstances asserted by the appellant in the appellant's appeal. Many appeals lack reasons why leave to appeal ►

should be granted. For example, this may pertain to challenges to the valuation of evidence in a case or objections which have already been well addressed in earlier precedent. In these cases, a brief report and a proposal is prepared for a decision. The case may then be decided as a single-Justice case, that is to say by one Justice alone. If the Justice agrees with the assessment of the reporting clerk, it will be decided that leave to appeal is not to be granted.

Usually, the drafting law clerk presents single-Justice cases orally to one Justice within the same cabinet division, but the working methods are flexible and it can happen that the case is dealt with entirely in writing.

If the question requires more

Where, on the other hand, an appeal raises more complicated questions or involves a precedentially interesting question, the case is referred further to a judge referee who conducts a more detailed legal analysis of whether leave to appeal should be granted. The case may then be presented to one or three Justices.

Cases in which a judge referee recommends a grant of leave to appeal or where the question is difficult to assess are frequently referred directly for presentation to three Justices. In certain situations, the case is first presented to one Justice who thereafter refers it onward to three Justices for examination. Before the Court takes a decision regarding leave to appeal in criminal cases, one Justice may also resolve to obtain an opinion from the Prosecutor-General. Cases in which the Prosecutor-General has given an opinion are largely always presented to three Justices.

Sometimes, many cases arise which involve the same legal issue, e.g. as a

consequence of new legislation or social changes. In these situations, there is often cause to coordinate processing. A judge referee is then appointed to be principally responsible for the question and to examine all appeals concerning the same subject in order to create the broadest possible basis. One Justice may also be appointed permanent reporting judge for a certain case or a certain type of cases and thus provides extra support for the work of the judge referee.

In all three-Justice cases and in certain single-Justice cases, the judge referee compiles a so-called print. This is a digital file containing the rulings of the lower courts, the appeal, relevant legal cases, preparatory works and legal literature. The judge referee also conducts a careful analysis of the legal position and makes a determination of whether leave to appeal should be granted in the case. The print is provided to the Justices prior to presentation and constitutes the basis for the Justices' assessment of the precedential issue. Final judgment, i.e. whether leave to appeal will be granted, comes only at a later stage. A decision not to grant leave to appeal is thus not to be interpreted such that the Court, or the Justices who have participated in the ruling, agree with the findings of the lower courts.

After the question of leave to appeal has been determined

After leave to appeal has been granted, the parties frequently need to submit additional pleadings. When necessary, the judge referee establishes a schedule for the continued correspondence. Where necessary, the judge referee establishes a schedule for the continued correspondence. The judge referee also decides when the case will be presented or, which is more unusual, when a main hearing will be held. Some time



prior to presentation or the main hearing, one Justice is appointed also as a reporting judge for the case, which means that the Justice has primary responsibility for the case and for the formulation of the final ruling. In anticipation of the presentation of the case or a decision following a main hearing, a judge referee also commences more extensive work in producing additional materials and analysing how questions in the case should be decided. In presentation cases, the judge referee also writes a report which is a proposal as to the how the Supreme Court is to decide the case.

In those cases in which the Supreme Court does not grant leave to appeal, the decision of the Court conclusively resolves the case. A decision not to grant leave to appeal cannot be appealed, which means that the ruling of the court of appeal applies.

From thousands of appeals to one hundred precedents

In 2025, leave to appeal was granted 136 times. This means that only slightly more than one per cent of the cases which are received by the Court are granted leave to appeal. It is through this selection process – from amongst thousands of appeals to the hundred or so cases which are actually admitted – that the Court’s special mission in the capacity as a precedential court emerges most clearly.

In recent years, the number of cases received by the Supreme Court has increased considerably. Case numbers have grown by an average of ten per cent each year over the last three years. In 2025, the cases received exceeded 11,000. This selection process for leave to appeal is strongly influenced by the great quantity of cases, and the Supreme Court has had a constant need to develop its working methods in order to increase efficiency. It has also been necessary to augment resources and employ additional staff. For the Supreme Court, balancing between efficient handling of the issue of leave to appeal, and the task of providing precedents has become increasingly prominent and somewhat challenging.



3

Main hearing and presentation in the Supreme Court

Upwards of 150 cases per year are granted leave to appeal in the Supreme Court. Of these, some are returned to the courts of appeal for renewed processing. However, the cases which remain with the Supreme Court are normally adjudicated by five Justices. These cases are normally prepared and presented by a judge referee without the parties being present, though it also happens that the Supreme Court holds a main hearing. Is the choice of procedure impacted by the Court's role as a precedential court?

Most cases are decided following a presentation

The predominant reason why a case is granted leave to appeal in the Supreme Court is that there is a precedential interest in the legal questions in the case. Prior to the ruling, extensive and careful legal research is conducted which forms the basis for the deliberations by the Justices. In practice, most precedential cases are decided following presentation. This involves the judge referee who has carried out the legal research presenting the case to the Justices during a presentation which is not attended by the parties or others. When a case is decided following presentation, the judge referee will have also drafted a proposed ruling, a so-called report, which is presented to the Justices and, in most cases, is subsequently published as part of the case in the journal of collected judgements referred to as the *Nytt Juridiskt Arkiv*. The presentation is followed by deliberations during which the case is discussed and the outcome is decided.

Hearings are also conducted in the Supreme Court with the parties and others present. In total, 20 to 30 hearings are conducted per year in various types of cases. Hearings are held not infrequently in those matters which are typically outside the precedential work, i.e. expulsion of persons who are not citizens of EU countries to stand trial or to enforce penalties, as well as matters involving members of the Swedish Bar Association which primarily concern admission or expulsion from the association. As regards precedential cases, a total of approximately ten main hearings are conducted per year in criminal and civil matters.

Rules determining when a main hearing is to be held

As far as the Supreme Court is concerned, the starting point is that the need for a main hearing is governed by the same rules applied in the courts of appeal. In both the courts of appeal and the Supreme Court, a main hearing need not be held when agreed by the parties and, further-

more, the Supreme Court believes that a satisfactory inquiry can be conducted in the matter. When such a hearing is unnecessary, a civil action may be also decided without a main hearing without the consent of the parties. The options are more limited where criminal cases are concerned. In the absence of the consent of the parties, the Court may refrain from holding a main hearing only when the accused will not be convicted or sentenced, or where the sanction is limited to a conditional sentence and fines.

Given the differences in the principal tasks of the various parts of the court system – the court of appeal is to primarily examine whether the district court has properly assessed the case, whereas the Supreme Court's foremost task is to establish guiding principles – the application of the rules of the Swedish Code of Judicial Procedure may vary to a certain extent. The Swedish Code of Judicial Procedure also contains provisions specifically stating when main hearings are not necessary in the Supreme Court. This applies to situations in which the Supreme Court's examination is limited to a certain question or to a part of the case, when the case is referred directly from the district court (referral leave) or when the Supreme Court has decided to adjudicate a case which has not been granted leave to appeal in the court of appeal (fast-track leave). Furthermore, a main hearing need not be held when the Supreme Court essentially bases the ruling on the relevant question on the assessments of the court of appeal in other parts of the case. A main hearing also need not be held when the Supreme Court is the court of second instance in a case which was initiated first in the court of appeal, which is rare, or when the Supreme Court decides a case with the involvement of all Justices (plenum).

Choice of presentation or main hearing

In light of the Supreme Court's overriding mission as a court of precedent, the cases which are granted leave to appeal often involve purely legal assessments. Cases ►

which mainly relate to the evaluation of evidence arise only rarely. The possibilities for the parties to argue the legal issue in writing are also good in precedential cases. Experience shows that the presentation procedure works well and creates good conditions for soundly reasoned precedents. Such a procedure also makes it unnecessary to adapt the schedule for the rulings in the case to times when the parties can appear before the Supreme Court, allowing the Court to maintain a high, even pace without unnecessary delay in deciding cases. Accordingly, the Supreme Court's operations and case management have long been based on the main rule that presentation is the preferred procedure.

Notwithstanding this presumption, a main hearing may be the most appropriate procedural form in certain of the Court's cases. The written materials may serve to compliment the oral statements made by counsel for the parties. It may also be the case that the rules of procedure simply do not make it possible to decide the case without a main hearing.

How does a main hearing in the Supreme Court proceed?

When the Supreme Court holds a main hearing, the hearing proceeds in basically the same way as in the courts of appeal. In practical terms, however, there are certain differences based on older traditions. One difference relative to the district courts and courts of appeal is that the courtroom of the Supreme Court is opened first for the parties and audience members who are seated before the Justices enter the courtroom and take their places.

In the same way as in presentation cases, the judge referee has conducted thorough legal research which has been examined by the Justices prior to the main hearing. However, no report is presented in cases involving a main hearing. This is attributed to the fact that the ruling is to be based on what comes to light during the main hearing, something the judge ref-

eree naturally cannot know in advance. During the hearing, the parties present their statements of fact, any evidence is presented or referred to by reference to the documents, and the parties thereafter give their closing statements.

When the main hearing is concluded, the Supreme Court normally does not provide a date for when the judgment or other decision in the case will be issued. This procedure differs from that of the district courts and courts of appeal. The follow-up work in the case carried out by the Supreme Court, i.e. deliberations and shared work of finalising the ruling, takes the time necessary to ensure that the ruling possesses the requisite quality to serve as precedent. When a ruling is ready to be issued, the parties are notified of it one or two days in advance.

Main hearing in the Supreme Court in the future

Because the examination by the Supreme Court is chiefly focused on one or more specifically stated legal questions, the main hearing should concentrate on the legal argumentation to a greater extent than is the case in the district courts and courts of appeal. Accordingly, there may be a need to make more room for, and place greater emphasis on, the closing statements while other parts of the main hearing may be toned down. Both the parties and the Supreme Court may also benefit when the parties, to the extent possible, learn in advance which question the Court specifically wants them to address in their arguments.

Development work is underway in the Supreme Court which, taking into account the special task of the Court, is looking into the extent to which adjustments may be made to the form and content of the main hearing. This work also includes addressing the question whether a timeframe can be established for the main hearing. Amendments are to be considered to the extent any modifications require changes to the rules. This work is planned for completion in 2026.

Isabella Håkansson
Administrative Junior Judge



4

The Supreme Court adapts and grows

With continuous growth in case flows, it is necessary for the Supreme Court to adapt its working methods in the ways, among others, described in the previous sections. In parallel with such changes, the number of employees working at the Supreme Court is also growing. In total, approximately 100 persons now work at the Court, and it is probable that this number will climb within a few years. How does a growing court in an old building deal with work-environment and organisational issues?

A court in a historical setting

The Supreme Court's principal operations are conducted in Stockholm's Old Town in the Bonde Palace at the Square of the House of Knights. The building is a national monument from the 1600's and has functioned both as a private residence and courthouse before the Supreme Court took up residence in 1949. The history of the building has been

described in greater detail in the The Reconstruction Project article in the 2023 Activity Report. As that article points out, most of the changes and adaptations require extensive planning and considerable regard for the Palace's cultural-historical value. Thus, for example, the construction of a new visitor's entrance with permanent security controls took several years from start to finish. ►

As the Supreme Court's operations expand in keeping with social changes, more and more employees will need to be accommodated. In such situations, necessary new recruits cannot await lengthy planning processes or antiquarian considerations. In order to be implemented faster, such changes must instead be carried out so they are not detrimental to the building and so they can be undone when conditions change once again.

Better use of large spaces

The Bonde Palace was originally built to serve as a private residence. Consequently, the room divisions and spaces were not originally adapted to the operations of a court of law. Notwithstanding that major alterations to the interior building structure and layout have been carried out over the years, it remains clear that many of the areas are scaled and planned in a way that is difficult to combine with an increased need of office workspaces. There are very large rooms both on the entry level and higher up in the building. They were previously used as court rooms, filing rooms and as a reference library. The construction of inner walls to divide these spaces into smaller offices has not been feasible due to the aforementioned conservation value, in any case not within the time frame necessary to meet the needs of the Court.

The answer has been to instead use available rooms and premises more efficiently. Working closely with interior architects, the Swedish National Courts Administration, the National Property Board and the Court's local union representatives, office landscapes have been established in such rooms at various locations throughout the building. The various

rooms can currently accommodate between five to seven employees. The furnishings have been planned to suit the atmosphere, but also to ensure that the work environment is calm with well delineated and separated work stations. In addition, so-called quiet rooms have been installed in both office landscapes which can be likened to sound-insulated telephone booths. The staff may use these to have telephone conversations or make presentations without disturbing their colleagues. Thus, the large, beautiful rooms which were previously used sparingly and not infrequently as thoroughfares have been given new life.

The individual offices in the Bonde Palace also vary in size. Several judge referees have been sharing rooms on the bottom floor. The entry level also contains a number of rooms which are arranged so that they can be divided between two employees. During the year, work got underway to furnish these offices so that they meet the needs of the Court for work stations while offering a good working environment.

A supreme court for the whole of Sweden

It is well known that the entire country is the case catchment area of the Supreme Court. And when it comes to the staff, those who undergo judge training throughout Sweden are important to the operations of the Court. Accordingly, the judge referees at the Supreme Court come from different parts of the country. Furthermore, there have long been satellite offices in Lund and Gothenburg with the possibility for a total of approximately 14 judge referees to maintain their permanent workplaces at a location other than Stockholm.

Anna Brandt
Drafting Law Clerk

Julia Löfqvist
Drafting Law Clerk

Kajsa Danielsbacka
Drafting Law Clerk

Case presentation in
a so-called quiet room.



The possibility for the Court to grow is thus found outside the Bonde Palace as well. Against this background, the Supreme Court established a new satellite office in Umeå in February 2025 with the major assistance of, and in close cooperation with, the Court of Appeal of Upper Norrland. The new and third satellite location has been staffed during the year by three judge referees and, in 2026, will be augmented with three additional employees. The Supreme Court's establishment in Norrland means not only that the Court's need for growth is accommodated but also that it better captures the expertise available in the northern courts. The associate judges in Norrland also benefit from increased opportunities to continue their career path within the Courts of Sweden without the need to move too far.

Internal organisation

The addition of court clerks, drafting clerks and judge referees means that the entire drafting organisation is expanding. Thus far, there have been two drafting units which have both been managed by their own head of drafting division. The work of the heads of drafting divisions was addressed in the 2024 Activity Report and, as indicated in that article, it is intensive and demanding.

A good working environment also includes good and frequent access to the

employees' closest supervisor. In order to improve the conditions for this, the Supreme Court took a decision in 2025 that the drafting organisation would be divided into three drafting units. A third head of drafting division has therefore been recruited. The organisational change has been implemented in the beginning of 2026.

Workplaces of the future

The measures described here represent necessary adaptations by the Supreme Court to changes in circumstances.

Provided there is no change in legislation which limits the influx, the forecasts for upcoming years give no indication that there will be any reduction in the number of cases being received by the Court. Accordingly, the Court must continue to cultivate its working methods and enhance its efficiency. And, in all likelihood, this also means that the Court will need to continue to grow.

Naturally, as far as the future is concerned, there are additional satellite locations to consider. Establishing such satellite operations has been a positive experience. As regards the operations in Stockholm, the possibility of accommodating additional staff in the Bonde Palace is limited. In the future, the Supreme Court may need to keep an open mind about additional offices outside the Palace.





precedent seminars

On 24 November 2025, the Supreme Court invited participants to the Court for a precedent seminar on criminal law. The seminar was attended by representatives from the district courts and courts of appeal, the Swedish Prosecution Authority, the legal profession and universities. Justices and colleagues from the Court's drafting organisation were present to represent the Supreme Court. Justices Petter Asp and Anders Perklev were responsible for organising the event.

Precedent seminars have been arranged in various forms since the beginning of the 2000's. These are an important element of the Supreme Court's work to streamline the creation of precedent and to ensure its quality. Those who foremost apply the precedents are afforded the opportunity to express their views.

The Supreme Court has held seminars throughout the years focusing on both criminal law and various civil-law areas such as property law, family law and intellectual property law. In order to be able to address as many legal questions as possible, the theme within the framework of these various areas has been broad. The most recent civil-law precedent seminar was held in 2023 and focused on legal questions relevant to trade and industry.

The seminar invitees often hold key legal positions or have a particular interest in the questions to be discussed. The Supreme Court strives to ensure that the participants come from

different sectors and various parts of the country. For example, as a rule, the Prosecutor-General has a number of seats at the criminal-law seminars and itself selects which employees from the authority will be present. The same applies for the Swedish Bar Association.

The formats are somewhat fixed and start with an introduction given by one of the Supreme Court Justices. This is usually followed by a panel debate which is moderated by one of the guests, after which the discussions are open. It is important to hold open discussions to ensure that as many views as possible may be heard. The participants have the opportunity at the seminars to express opinions on the rulings of the Supreme Court and make known their wishes regarding various issues for which more guidance is sought. The meetings are also an opportunity for the Supreme Court to elaborate on its precedential activities and explain the reasoning underlying the Court's choice of cases. ►

Magnus Ulväng

Professor

Catharina Månsson

Judge

Katarina Johansson-Welin

Prosecutor-General

Kristofer Stahre

Attorney

Mari Heidenborg

President of the Court of Appeal

The seminar in November 2025 got underway with President of the Supreme Court Anders Eka welcoming the participants. Justices Petter Asp and Anders Perklev then presented several introductory reflections regarding the creation of precedent in recent years within the areas of criminal law and criminal procedure. This was followed by a panel debate moderated by court of appeal President Mari Heidenborg, which was followed by open discussions. There was a great deal of emphasis in these discussions on the manner in which the Supreme Court formulates its rulings and the guidance provided by them. The question regarding which cases are granted leave to appeal was also considered.

The chief purpose of these seminars is to identify areas or specific questions where precedent is needed. The meetings also help of the Supreme Court gain insight into the activities of other courts and understand which issues are difficult or remain unresolved. By inviting input on existing precedent, the Court also benefits from feedback on how precedents are applied and interpreted by users as well as how the Court's formulations are understood.

Even if the precedent seminars are now a natural component of the Supreme Court's work, this has not always been the case. For a long time, the Court was hesitant to entertain the views on precedent creation from external parties, but the consensus today is that the Court

should actively seek this input. The Supreme Court's counterparts in Norway and Finland convene similar meetings regarding precedent formation.

The views and wishes expressed at the seminars are used in the Supreme Court's work of identifying issues which are interesting from a precedential perspective. Naturally, it is the Court which ultimately determines which cases are to be taken up with regard to, among other things, the character and suitability of the individual cases.

Yet, experience gained from the seminars not infrequently shapes the development of precedent. At the previous criminal-law precedent seminar in 2022, more guidance was sought, among other things, on questions relating to the evaluation of evidence. This issue was taken up in the Supreme Court rulings in the "Bus Stop Murder" and the "Årsta Square" cases, NJA 2023, p. 29 I and II. Another question raised at the seminar was whether the nature of the offence of procuring prostitutes gives rise to a presumption of imprisonment. That question was subsequently answered by the ruling of the Supreme Court in the "Procuring and Nature" case, NJA 2025, p. 834.

With the above in mind, it is likely that a number of questions from the 2025 precedent seminar will result in future rulings from the Supreme Court. The seminar rounded off with a pleasant reception and dinner.

Mattias Lindner
Administrative
Junior Judge

Students
from Hersby
Gymnasium





tudy visits to the Supreme Court

Mention is made elsewhere in this Activity Report of the fact that the Supreme Court regularly holds main hearings and meetings in the Courtroom. The premises of the Bonde Palace in the Old Town are then opened to the public and, in the main, anyone may take a seat and listen. However, there are also other opportunities for the public to visit the Supreme Court. The Court has long welcomed study visits. These visits may involve groups connected to universities, associations of lay judges and international institutions. Currently, the Court also frequently receives upper-secondary school classes. The content of the visits is usually adapted to the group which is paying a visit to the Supreme Court. ►

By opening the doors to the Court's premises and offering a look inside the Court's activities, the Supreme Court strives to bolster understanding of the role of the courts in the Swedish form of government and legal order. The study visits are also a reflection of the transparency which characterises the Swedish legal system. Transparency and public access are core values in a state governed by law and, through the study visits, visitors are afforded the opportunity to experience in a concrete way how these principles are applied in practice. The purpose of receiving visitor groups is to spread knowledge of the task of the judicial system and its principles, as well as to stimulate interest in legal questions and the rule of law.

Following the Pandemic, study-visit efforts have intensified. In recent times, the Court has focused specifically on upper-secondary school classes. In 2025, the Supreme Court received twelve such visits. Although the content varies somewhat, the starting point is a presentation of the principles of a state governed by law, court organisation, and the operations of the Supreme Court. Particularly popular elements are when the students themselves participate by together answering questions regarding a state governed by law and attempting to determine the outcome of certain Supreme Court rulings. The visits are often concluded with a tour of the premises.

During study visits from upper-secondary school classes, the Supreme Court is often represented by the

administrative junior judges and a judge referee. Welcoming upper-secondary school classes is an important part of the Supreme Court's work in reaching out to the public and boosting confidence in the legal system. From the perspective of the Supreme Court, there is value in spreading information to a broader public, both regarding its own operations and a state governed by law. This is true to the highest degree for those who are still pursuing their education. For many students, the encounter with the Supreme Court is the first time they come into contact with the legal system. Through these visits, they gain a deeper understanding of the institutions of democracy and the fundamental values of a state governed by law. The presentations and discussions provide a concrete picture of the manner in which the administration of justice works at the highest instance and the role of the Supreme Court in the legal system.

Gaining an insight into how the judiciary works and the rule of law is maintained contributes to a nuanced and vivid picture of the Swedish legal system. The visits also contribute to reducing the distance between the courts and the public. It is hoped that this in turn leads to greater confidence in the judicial system and a clearer understanding of the role and significance of the courts in society.

Judge Referee Axel Johnsson and Administrative Junior Judge Isabella Håkansson have been involved during several visits by upper-secondary school classes in 2025 and have

gained solid experience as a result. “It is highly rewarding to be able to talk about the activities of the Supreme Court. The upper-secondary school students are quite engaged and curious about the Court’s function and the society governed by law in general. You can see that the students have a clear interest in society,” says Axel Johnsson.

On 1 October 2025, the Supreme Court received a visit from the Agneberg upper-secondary school in Uddevalla. According to teacher Hillevi Jacobsson, the reason why the class wanted to visit the Supreme Court was that the students were reading about law and are fascinated by courts and trials. “The students thought it was fun to participate and to get the chance to answer questions through an app in real time. They also thought it was a big deal to be able to sit in the Supreme Court’s large courtroom.”

Student
from Hersby
Gymnasium



Cases in brief

2025

CIVIL LAW

A climate action against the State (*The “Action Regarding Climate Change” case, 19 February*)

A person brought a class action against the State to which approximately 300 persons had joined. They requested that the district court declare that the State was obliged to take certain measures to counteract climate changes. The district court referred to the Supreme Court the question of whether such an action against the State can be considered by a court.

The main question was the manner in which Swedish law relates to the possibility of bringing an action regarding climate change against the State, especially in light of a judgment from the European Court of Human Rights that was handed down in the spring of 2024.

The Supreme Court noted that such an action regarding climate change on which the European Court of Human Rights has ruled concerns the repercussions of a changed climate in general – not just the effects on certain individuals – and involves a judicial review of the State’s actions in the climate area. Such a general action regarding climate change against the State therefore brings to the fore the constitutional boundary between the tasks of the general courts and the decision-making of the political bodies. The Instrument of Government sets limits on what the courts can review but, according to the Supreme Court, does not exclude every form of such a general action regarding climate change that the European Court of Human Rights has ruled should be possible.

The action brought before the district court was not brought by an association but, rather, by a person who pursued the action on behalf of individuals. The action at issue was, according to the Supreme Court, an action by individuals and they had not presented circumstances according to which the risk of adverse consequences of climate change was particularly serious for them or that their need for individual protection was urgent. According to the Supreme Court, the claim from the individuals was not permissible and could not be admitted for examination.

Release of a large number of documents in criminal cases

(*The “GDPR and Judgments in Criminal Cases I and II” cases, 25 February*)

Pursuant to Chapter 21, Section 7 of the Public Access to Information and Secrecy Act, secrecy applies to personal data where it may be assumed that the information or the disclosure thereof will be processed in contravention of the EU Data Protection Regulation (GDPR) or the Swedish Data Protection Act.

Two different companies with a certificate of no legal impediment to publication had requested from courts a large number of judgments and other documents in criminal cases. With regard to the rules of the GDPR, secrecy pursuant to Chapter 21, Section 7 of the Public Access to Information and Secrecy Act was deemed to be present notwithstanding that the companies’ operations were covered by constitutional protection due to the certificates. Since the companies conducted journalistic activities, the documents were released subject to reservation.

Interpretation of copyright contracts

(*The “Detective Series” case, 28 February*)

Two authors had a collaboration according to which they helped one another write certain books in a detective series. The manuscript for the second book was underway but, before delivery of it to the publisher, the collaboration was discontinued and the authors’ respective companies entered into an addendum to an agreement referred to as the “Co-author agreement”. The addendum stated, among other things, that the moral as well as the economic rights to the second book in the series were the sole property of one author. The other author subsequently claimed that his copyright was infringed in that his part of the manuscript was used when the book was published.

The question concerned the manner in which copyright agreements are to be interpreted. The Supreme Court noted that the considerations specific to copyright that may need to be taken into account when interpreting agreements in the field of copyright should interact with what applies to contractual interpretation in general. This entails that such specific considera-

tions may be taken into account in order to specify or supplement the circumstances when assessing and balancing the various interpretive factors relating to the individual agreement, but not in the form of recognising any particular interpretive principles. Against this background, the second author's action was dismissed.

Question whether a person who bases an action for damages on a violation of fundamental rights and freedoms has the right to have liability for the violation tried

(The "Region's Concession" case, 28 March)

A woman claimed that a midwife had performed a care procedure without consent in connection with the woman's childbirth and that this means that the woman's right to protection of bodily integrity under the European Convention or equivalent right to protection under the Instrument of Government had been violated.

The region conceded a claim for damages but explained that the concession should not be perceived as an admission of any violation of rights. The region requested that the district court, without an examination of the merits, issue a judgment on the basis of the concession. The woman objected to this and brought a declaratory action regarding the violation.

The Supreme Court reached the conclusion that a person who, on reasonable grounds, claims that his or her fundamental rights and freedoms have been violated has the right to have the claim tried. Where the defendant makes an impure concession, the court should apply the procedural rules in such a way that the court rules on the basis of the concession and, at the same time, in the context of an action for a declaratory judgment, whether there has been an infringement of rights.

A case regarding reconsideration of ground rents

(The "Smyrna" case, 24 April)

In a case regarding reconsideration of ground rents, the National Property Board requested that the ground rent interest rate be set at three per cent to which a cooperative housing association on Gärdet in Stockholm objected.

The Supreme Court noted that the determination of the ground rent was ultimately a fairness assessment in which consideration may also be given to the consequences for the residents in conjunction with a site leasehold grant for residential purposes. The fairness assessment, however, is to be based on the principal purpose of the legislation, namely to promote from a societal perspective the desired development of residential conditions in which individuals can be granted a plot of land for development but in which ownership of the land can also be retained and any increase in value can remain with the property owner, i.e. in practice, the public. The ground rent should thus correspond to a reasonable interest on the estimated land value.

Based on, among other things, reports from the National Institute of Economic Research, the Supreme Court made the determination that there were reasonable grounds for the conclusion that a long-term, real interest rate on the capital market would remain quite stable at a level below two per cent during the majority of the time material in this case. Taking into account other circumstances as well, primarily the fact that the site leasehold related to residential purposes, a ground rent based on a ground rent interest rate of 1.75 per cent was reasonable for the relevant period.

Against this background, the ground rent was set at an amount lower than that requested by the Property Board. The amount was also lower than that set by the lower courts.

Damages for wrongful guardianship

(The "Wrongful Guardianship" case, 24 April)

A court wrongfully decided that a guardianship would be established for a man who thereby lost his legal capacity and the right of disposition over his property and assets. The decision-making process, furthermore, was marred by a number of procedural deficiencies. The wrongful guardianship lasted for just over a year before it was annulled.

The case before the Supreme Court addressed the determination of other non-pecuniary damages for the wrongful guardianship, i.e. the amount that the State was to pay in convention damages to the individual who had been affected for, among other things, the feeling of vulnerability and powerlessness that the violation of his right to autonomy and dignity entailed.

The Supreme Court stated that the deficiencies constituted a very grave violation of the individual's autonomy and dignity and a violation of the right to a private life under Article 8 of the European Convention on Human Rights. The Supreme Court accordingly determined that the State was to pay SEK 150,000 for other non-pecuniary damage, which is a significantly higher amount of damages than what the district court and the court of appeal had previously decided. The man also received a certain amount of compensation for pure economic loss.

Refund of money paid to an online casino

(The "Online Casino" case, 1 July)

A person in Sweden gambled for a number of years up to and including 2014 primarily on a digital variant of so-called one-armed bandits. The game was offered from Malta.

According to a provision of the Contracts Act, a contract may not be invoked if the circumstances when the contract was entered into were such that it would be contrary to good faith to invoke the contract with knowledge of them and the other party to the contract was aware of these circumstances.

The Supreme Court concluded that the gaming company had access to and used detailed data about the gambler's gambling behaviour, and such data showed ►

that the gambler had serious gambling problems. The gaming company was therefore considered to have knowledge of this. The Supreme Court further found that the gaming company had directed intrusive marketing towards the gambler including, among other things, offering bonuses to a large extent, and that the form of gambling offered by the company was one of the riskiest forms of gambling in terms of addiction.

The Court's conclusion was such that it would be contrary to good faith to invoke the agreements on gambling that had been made during the time in question in the case. The gaming company was therefore to pay the player just over EUR 500,000, which corresponded to the player's net loss.

Determination of paternity when the father is deceased

(The "Deceased Father" case, 30 July)

Two spouses travelled abroad to a clinic in order to undergo an assisted fertilisation. When they visited the clinic, the man provided sperm which was used to fertilise a donated egg. The idea was that the fertilised egg would be placed in the woman's body during a subsequent visit, approximately one month later. In the interim, the man died. The woman travelled back approximately six months later and then had the fertilised egg placed in her body. Approximately nine months later, she gave birth to a son who was a result of the assisted fertilisation.

The son brought an action and claimed that the court was to find that the man was his father.

The Children and Parents Code contains a special provision according to which a man is to be declared a father where it is established that an insemination or fertilisation outside the body has been carried out outside of the body through the use of his sperm during the period of time the child could have been conceived and, taking into account all circumstances, it is probable that the child was conceived by means of such treatment.

The Supreme Court concluded that there was no exception in the Children and Parents Code according to which paternity was not to be established for a man who, within a relationship, provided sperm in conjunction with assisted fertilisation, either in the event the man is deceased before the fertilised egg is placed in his spouse's or co-habitee's body or he, as a consequence of such death, has not been able to grant consent for the complete treatment.

The Supreme Court accordingly established paternity pursuant to the special provision in the Children and Parents Code.

Contractual terms and conditions for running event

(The "Running Event" case, 14 August)

In 2021, two large running events were cancelled by the arranger, a recreational association. A number of persons who had signed up requested repayment of

the application fee. The association opposed repayment by reference to its general terms and conditions. The Consumer Ombudsman sued the association and requested that it be prevented from invoking those parts of the terms and conditions according to which the association was not obliged to repay application fees in the event a race was cancelled. According to the Consumer Ombudsman, the terms and conditions were unreasonable in relation to the consumers.

The Supreme Court found that the terms and conditions entailed that the association was not liable in any respect to repay the application fees. In addition, the terms and conditions stated a number of reasons, each of which entailed that the trader could cancel races and retain the application fees. Several of these reasons were relatively broadly formulated and provided significant margin for assessment on the part of the association. Furthermore, there were no other terms and conditions to the advantage of the consumers which balanced the terms and conditions. Even if the association's activities had several non-profit elements, it was a question of an association which engaged in large arrangements which turned over amounts in the millions. The character of the association thus did not affect the unfairness assessment. The Supreme Court's overall assessment was that the terms and conditions were unreasonable in relation to the consumer and enjoined the association, subject to a conditional fine of SEK one million, from using the same or essentially the same terms and conditions.

Question whether the property owner or finder has a better right to a newly fallen meteorite

(The "Meteorite" case, 19 August)

During a meteorite fall, a meteorite fell on to a property. Two geologists found the meteorite and lodged it with the Swedish Museum of Natural History for storage. The owner of the property on which the meteorite fell brought an action against the geologists regarding a better right to the meteorite.

Since there is no legislation regarding title to meteorites, the Supreme Court noted that title should instead be determined on the basis of the rules applicable to real property. The starting point should, according to the Supreme Court, be that a meteorite does not constitute a component part of the real property on which it has landed and is thereby to be regarded as personal property. This does not exclude the possibility that a meteorite in certain cases can become an integrated part of the land and, in such manner, become a part of the real property.

The meteorite which fell on to the property did not, according to the Supreme Court, constitute real property and thus did not belong to the property owner. The geologists who found the meteorite therefore had the right to take it with them. Taking into account what came to light in the case, they were deemed to have acquired title to the meteorite.

The seller's liability for information provided by a broker to the buyer of a property
(*The "Electricity Network Connection" case, 23 December*)

In conjunction with the sale of an undeveloped property, contact between the buyer and seller was brokered exclusively by the broker. The buyer operated under the assumption, after having questioned the broker, that the property was connected to the electricity network. When it was shown that such was not the case, the buyer requested compensation from the seller for the connection cost.

The Supreme Court concluded that a seller is liable for the information provided by the broker to the buyer prior to the purchase where the seller knew or should have known that the broker provided the information. In this case, the information regarding the connection of the property to the electricity network did not come from the seller, and the seller neither knew nor should have known that the broker provided the erroneous information to the buyer. The fact that the property lacked an electricity connection thus did not constitute any defect in the property. Compensation to the buyer was not to be made.

Critical review of vaccine opponent was not in violation of the European Convention on Human Rights
(*The "Vaccine Documentary" case, 30 December*)

In a TV-broadcast documentary, a critical review was given to a person with a negative posture towards vaccines. The review involved undercover work and filming with a hidden camera. One of the persons reviewed brought a claim in damages against the State and claimed that her right to respect for a private life in accordance with the European Convention had been violated.

The Supreme Court concluded that a balancing of interests in the individual case between the reviewed person's right to respect for their private life and the freedom of expression of the journalists in the European Convention in this case tilted not in favour of the reviewed person but, instead, in the favour of the freedom of expression. The Supreme Court found that a very great public interest could override even a significant encroachment on private life. Accordingly, the claim in damages was dismissed.

CRIMINAL LAW

A case of robbery has been deemed to be less serious in nature
(*The "Jacket" case, 13 March*)

A 14-year-old boy was on his way to school when an 18-year-old man approached him and demanded that he surrender his jacket, otherwise the 18-year-old would hit him. After the 18-year-old repeated the

threat, the boy surrendered the jacket. The district court and court of appeal sentenced the 18-year-old for robbery to imprisonment for one year and six months.

The Supreme Court noted in its judgment that no violence occurred and that the verbal threats were not serious in nature. In addition, the Court considered, among other things, that the 18-year-old acted alone and that the act appeared to be an unpremeditated impulse. The value of the jacket, approximately SEK 2,000, was not insignificant but was also not so great that it was to be ascribed decisive significance. Taking into account these circumstances, among other things, the Supreme Court was of the opinion that the act – even if it entailed a serious violation of the victim – was less serious in nature. Accordingly, the 18-year-old was found guilty of gross theft instead of robbery.

Gross driving under the influence of drugs posing a danger to traffic safety
(*The "Driving Under the Influence in Fyledalen" case, 19 March*)

At midnight on a weekday in January 2023, an 18-year-old man drove a van in a manner which posed an extreme danger to traffic on a highway and on smaller roads in Fyledalen. The man was charged for, among other things, gross driving under the influence and it was claimed that he had narcotics in his blood and that there was a clear danger to traffic safety. Both the district court and court of appeal found him guilty of gross driving under the influence.

The main question in the case concerned whether liability for gross driving under the influence posing a clear danger to traffic safety requires that the danger to traffic is due to the influence of drugs. The Supreme Court clarified that no such causal link need be established.

Penalty for murder committed by a minor
(*The "Murder in Hagalund" case, 25 March*)

Together with another person, a person who was 16 years and 8 months old committed a murder in a public place. There were several aggravating circumstances associated with the murder, and the penalty for an adult would have been imprisonment for life.

The starting point for young persons has long been that a life sentence equates to imprisonment for 18 years. Reductions have subsequently been made in consideration of the age of the perpetrator. In conjunction with the removal of the youth reduction for young adults in relation to more serious crimes, the legislature stated that the change would not affect the sentence for 15–17-year-olds. At the same time, the changes which resulted in a special sentencing maximum of fourteen years in the legislation currently apply only to offenders who have not reached the age of majority. This creates more room for nuanced sentencing for very serious crimes perpetrated by ►

15–17-year-olds, since young offenders in the ages of 18–20 are not to be encompassed by this sentencing maximum.

According to the Supreme Court, as such, reason remains to assume that, upon the application of the youth reduction, a life sentence may be deemed to be comparable to imprisonment for eighteen years. However, the additional room for nuanced sentencing should be implemented to supplement the penalty to which the starting point of eighteen years would lead in those cases in which it is justified.

To begin with, following the youth reduction, the penalty in the current case would be approximately five years and six months. The Supreme Court was of the opinion, however, that there was to be a supplement both for the fact that the crime was aggravated and that the perpetrator was also sentenced for other very serious crimes, including attempted murder of two persons. According to the Supreme Court, the criminal activity was to lead to a penalty of imprisonment for nine years but, since the young person had been remanded in custody subject to restrictions, the penalty was set at eight years and ten months.

Gross violation of integrity

(The “Closely Related Couple” case, 9 April)

A young woman was prosecuted for gross violation of integrity. The prosecution was based on a number of threats and assaults which she committed against her boyfriend. The acts commenced shortly after they had become a couple. The question in the case is whether they were closely related in the sense referred to in the penal provision regarding gross violations of integrity.

The Supreme Court noted that, while the relationship was in fact relatively short, but taking into account, among other things, the fact that the relationship had been very intense, that they had spent the night with each other over extensive periods during the relationship, and that they largely avoided socialising with others, they had been in a close relationship in the manner presumed for crimes involving liability for violation of integrity.

Expulsion due to offences

(The “Expulsion and Ties I and II” cases, 23 April)

The rules regarding expulsion due to offences were amended in 2022 in that, among other things, the requirement of ties to Sweden were rendered more stringent, and the prior prohibition against expulsion of young persons was replaced with a qualified requirement for expulsion to occur.

The Supreme Court has examined the new rules in a case pertaining to a 19-year-old who was born in Sweden as well as a case pertaining to a 37-year-old who came to Sweden when he was eight months old. In such cases, it is necessary that there are very compelling reasons for a decision regarding expulsion in order not to conflict with the right to private

and family life in accordance with the European Convention.

The 19-year-old was sentenced to prison for a murder which was part of a gang conflict. Taking into account the particularly gross offence for which the 19-year-old was sentenced, the Supreme Court concluded that there were such compelling reasons for expulsion that such a decision was proportionate. This was so notwithstanding that the 19-year-old was born in Sweden and that he had committed the crime as a minor. However, as a consequence of these circumstances, the ban excluding him from returning to Sweden was limited to ten years.

The 37-year-old was sentenced to imprisonment for the gross weapons offence, three cases of unlawful threats and obstructing the course of justice. He had been previously sentenced for similar offences. In the balancing between the offences and his ties to Sweden, the Supreme Court was of the opinion that an expulsion would not be proportionate.

New precedent regarding rape

(28 May)

The Supreme Court examined a charge of rape against an employee of a residence providing special services for adults for rape committed there. The employee engaged in sexual intercourse with a person who lived at the residence and suffered from an intellectual impairment and several other diagnoses.

The instances of intercourse took place over a period of approximately one year within the framework for what was described as a romantic relationship. The Supreme Court reached the conclusion that the injured party, taking into account her impairment, her diagnoses and other circumstances, could not voluntarily participate in the sexual acts. Her functional impairments entail that she has a reduced ability to safeguard her sexual integrity. Taking into account that the instances of sexual intercourse took place at her residence where she lived alone and that, due to her tremendous need for assistance, she was in a position of dependence relative to the employees at the residence, she was in a particularly vulnerable situation as referred to in the provision on rape. In addition, criminal responsibility for rape requires that the perpetrator improperly exploits the particularly vulnerable situation. The Supreme Court was of the opinion that such had been the case, and considered the fact, among other things, that the employee was subsequently the only person who worked with the injured party.

No sabotage when demonstrators obstructed traffic

(The “Climate Blockade” case, 9 July)

At a demonstration to draw attention to the ongoing climate crisis, demonstrators sat down on a roadway and obstructed traffic on one of Stockholm’s major thoroughfares during rush hour.

The district court convicted the demonstrators of

sabotage and disobeying police orders. The court of appeal acquitted the demonstrators of sabotage as the disruption of general traffic was not considered sufficiently serious.

The Supreme Court examined whether the demonstrators were also liable for sabotage and made the determination that what constitutes disturbances and impediments to general traffic – which may pertain to significant traffic on roads – is to be assessed in the context of the fact that criminal liability for sabotage refers to attacks on and threats to vital public interests. According to the Supreme Court, it is natural that the penal provision, in the exercise of the freedom of demonstration and freedom of expression, is applied with the restrictiveness, restraint and proportionality that follows from the Instrument of Government with regard to the possibilities of restricting the freedoms.

A road blockade of limited time in connection with a demonstration of the kind at issue in the case was not considered qualitatively comparable to attacks on and threats to such vital societal interests as specified in the penal provision regarding sabotage. The demonstrators were acquitted of the charge of sabotage also in the Supreme Court.

The value threshold between theft and minor theft for shoplifting was set at SEK 1,500

(The “Minor Theft Threshold II” case, 30 October)

The threshold between theft and minor theft for shoplifting has been SEK 1,250 since 2019. The Supreme Court determined in a ruling that the changes to monetary value justify an increase to SEK 1,500. The determination entails that the misappropriation of goods worth SEK 1,311 and SEK 1,250 were found to be minor theft.

Penalty for complicity in explosions

(The “Three Explosions” case, 3 December)

The Supreme Court has determined the sanction for three persons who were involved in explosions in, among other things, a multiple-family dwelling.

A central question in the case was to determine the extent to which the sentence was to be made more stringent pursuant to the new provision regarding exceptionally aggravating circumstances in Chapter 29, Section 2 a of the Swedish Criminal Code. The provision states that it is to be regarded as exceptionally aggravating if the crime has involved a serious attack on someone’s life or health or personal security and either

(1) involved the use of explosives or other similar substance and was committed in a public place or other place in which people usually gather or have gathered, or

(2) has had a background in or has attempted to engender a conflict between groups of persons in which firearms or explosives or other similar substance are used.

In its ruling, the Supreme Court noted that both

sections are applicable in the case. Accordingly, the penalty was substantially more severe than it would have otherwise been.

For one person – who was found guilty of two cases of gross devastation causing public danger and thirteen attempted murders committed by having set out two of the explosive charges – the sanction imposed was imprisonment for life.

Expulsion due to offences when the sentenced person is a refugee

(The “Refugee’s Weapons Offence” case, 29 December)

A 32-year-old refugee was found guilty in the district court and court of appeal for, among other things, a gross weapons offence. The case addressed primarily whether the crime constituted such an exceptionally gross offence which, pursuant to the Aliens Act, is necessary in order for a refugee to be expelled.

According to the Supreme Court, the term, particularly serious offence, should be applied in a uniform way in the Aliens Act and does not have the same purport as the domestic classification degree, particularly serious, which is found for certain types of offences, e.g. particularly serious assault and particularly serious weapons offences.

The gross weapons offence was determined to be a particularly serious offence in accordance with the Aliens Act. The Supreme Court also noted that it would involve a serious danger to public order and security to allow the person to stay in Sweden. Accordingly, he was to be expelled.

A Swedish court has jurisdiction to prosecute a charge for defamation regarding information which was published on the Internet from abroad

(The “Internet Defamation” case, 30 December)

While abroad, a Swedish man published an interview with another Swedish man on his YouTube channel. Both men were prosecuted for gross defamation regarding information provided in the interview pertaining to a third Swedish man and the criminal accusations against him which were presented in a documentary series which had been broadcast on Sveriges Television.

The Supreme Court noted that, when information forming the basis of defamation is published on the Internet from abroad, Swedish jurisdiction subsists if the effect of the defamation offence may be deemed to have occurred in Sweden. In order for the effect to be deemed to have occurred in Sweden, it is necessary that, in addition to the information coming to the attention of a third party, there is a relevant connection to Sweden. The Supreme Court concluded in the case that the interview had reached viewers in Sweden and that there was otherwise such a connection to Sweden that Swedish courts had jurisdiction to adjudicate the offences.

The year in brief

7 January

Katrin Hollunger Wagnert assumed the post of Justice of the Supreme Court. She came most recently from employment as Director-General for Legal Affairs at the Ministry of Justice.

8–10 January

President Anders Eka was present at the Opening of the Legal Year at the invitation of the Court of Cassation in Paris.

16–17 January

The Supreme Court visited the Supreme Court of Great Britain for a bilateral meeting. President Anders Eka, Head of Division Gudmund Toijer, and Justices Agneta Bäcklund, Stefan Johansson and Malin Bonthron participated.

30 January – 1 February

Head of Division Gudmund Toijer and Justice Stefan Johansson were present at the European Court of Human Rights' opening ceremony and seminar in Strasbourg.

21 February

The Supreme Court was visited by the Federal Supreme Court of Ethiopia. Justice Stefan Reimer, Head of Drafting Division Jenny Engvall, Judge Referees Axel Johnsson and Norah Lind and Administrative Junior Judges Ingrid Axelsson and Mattias Lindner participated.

13 March

Head of Division Gudmund Toijer retired. He became Justice in 2007 and Head of Division in 2016.

Justice Stefan Johansson assumed the post of Head of Division.

17 March

The Supreme Court received a visit from upper-secondary school students from Gothenburg Högre Samskola. Administrative Director Jens Wieslander and Administrative Junior Judges Mattias Lindner and Isabella Håkansson participated.

27–28 March

President Anders Eka participated at the meeting of judges of the Court of Justice of the European Union in Luxembourg.

14–15 April

President Anders Eka visited Brussels for a meeting with the EU Commissioner for Democracy, Justice and Rule of Law Michael McGrath. The visit was conducted within the framework of the Network of Presidents of the Supreme Judicial Courts of the European Union.

22 April

The Supreme Court received a visit from the European Law Students' Association Louvain-la-Neuve. Administrative Junior Judges Mattias Lindner and Isabella Håkansson participated from the Supreme Court.

5 May

The Supreme Court received a visit from National Police Commissioner Petra Lundh who held a speech for the entire staff of the Supreme Court.

9 May

The Swedish Moot Court Championship in Law was held at the Supreme Court. Head of Division Stefan Johansson and Justices Svante O. Johansson, Malin Bonthron, Johan Danelius and Margareta Brattström participated as judges in the competition.

16 May

The Supreme Court received a visit from upper-secondary school students from Katedralskolan in Lund. Judge Referee Axel Johnsson and Administrative Junior Judges Mattias Lindner and Isabella Håkansson participated from the Supreme Court.

21–23 May

President Anders Eka participated at a meeting for the board of the Network of the Presidents of the Supreme Judicial Courts of the European Union. The meeting was held in Tartu, Estonia.

2 June

The Supreme Court received a visit from upper-secondary school students from Hersby Gymnasium in Lidingö. Judge Referee Malin Falkmer and Administrative Junior Judges Mattias Lindner and Isabella Håkansson participated from the Supreme Court.

10 June

The Supreme Court received a visit from the President of the Superior Electoral Court of Brazil. President Anders Eka and Administrative Junior Judge Isabella Håkansson participated.

13 June

The Supreme Court received a visitors delegation from Zurich, Switzerland. Head of Division Stefan Johansson, Administrative Director Jens Wieslander and Administrative Junior Judges Mattias Lindner and Isabella Håkansson participated from the Supreme Court.

27–30 August

President Anders Eka and Head of Division Stefan Johansson participated at a joint meeting for the presidents of the Supreme Courts of the Nordic countries. The meeting was held in Vestmannaeyjar, Iceland.

1 September

Erik Sjöman assumed the post of Justice of the Supreme Court. He came most recently from the position of attorney and partner at Advokatfirman Vinge.

3 September

Justice Svante O. Johansson retired. He became a Justice in 2011.

4–5 September

President Anders Eka participated at an international conference in Vilnius, Lithuania. The theme of the conference was "Ensuring Uniform Judicial Practice: Forms and Challenges".

Administrative Director Jens Wieslander participated at a meeting for



the administrative directors of the Nordic Supreme Courts which was arranged in Oslo.

9 September

President Anders Eka participated at the opening of Parliament.

12 September

The Supreme Court received a visit from the New York state Academy of Trial Lawyers. Head of Division Stefan Johansson, Justice Petter Asp and Administrative Junior Judges Isabella Håkansson and Hugo Karlstedt participated from the Supreme Court.

17 September

The Supreme Court received a visit from a judge of the Supreme Court of Justice of Portugal. Justice Malin Bonthron, Judge Referee Dennis Andreev and Administrative Junior Judge Hugo Karlstedt participated from the Supreme Court.

22–26 September

The Supreme Court received a judge from the Commercial Cassation Court of the Ukraine within the context of an exchange programme arranged by the Network of Presidents of the Supreme Judicial Courts of the European Union.

24–25 September

President Anders Eka and Head of Division Stefan Johansson participated in a joint meeting between the Nordic and Baltic Supreme Court Presidents. The meeting was held in Helsinki.

29 September

The Supreme Court received a visit from upper-secondary school students from Agneberg Uddevalla Gymnasieskola. Judge Referee Axel Johnsson and Administrative Junior

Judges Isabella Håkansson and Hugo Karlstedt participated from the Supreme Court.

1–2 October

President Anders Eka was present at the Opening of the Legal Year at the invitation of the Supreme Court of the United Kingdom in London.

13 October

The Supreme Court received a judge from Germany's Federal Administrative Court. Head of Division Stefan Johansson and Administrative Junior Judge Hugo Karlstedt participated from the Supreme Court.

16 October

The Supreme Court received a visit from upper-secondary school students from Karlbergsgymnasiet in Åmål. Administrative Director Jens Wieslander and Administrative Junior Judge Isabella Håkansson participated from the Supreme Court.

22–23 October

The Supreme Court and Supreme Administrative Court arranged a joint autumn "Stockholm Package" during which fifty or so associate judges from Sweden's courts of appeal and administrative courts of appeal visited several state employers in Stockholm including the Supreme Court, the Parliamentary Ombudsman, the Office of the Chancellor of Justice and the Government Offices. Justices Johan Danielius, Jonas Malmberg and Erik Sjöman, as well as Judge Referees Olivia Ekeberg, Lisa Waltersson and Christoffer Stanek participated from the Supreme Court.

10 November

The Supreme Court, together with the Supreme Administrative Court,

received a visit from judges from Guatemala and Poland. Head of Division Stefan Johansson, Justice Stefan Reimer and Administrative Junior Judges Isabella Håkansson and Hugo Karlstedt participated from the Supreme Court.

12 November

President Anders Eka participated in a conference in Parliament on the theme of "Courts under pressure – lessons from Sweden, Poland and Guatemala".

13–15 November

President Anders Eka participated in a conference in The Hague, the Netherlands, which was arranged by the Network of Presidents of the Supreme Judicial Courts of the European Union. The conference addressed issues including, among others, the effect of European law on national law and the role of national courts in addressing international crime.

19 November

A joint seminar was arranged for the court clerks of the Supreme Court and Supreme Administrative Court with a focus on exchanging experiences and joint development.

24 November

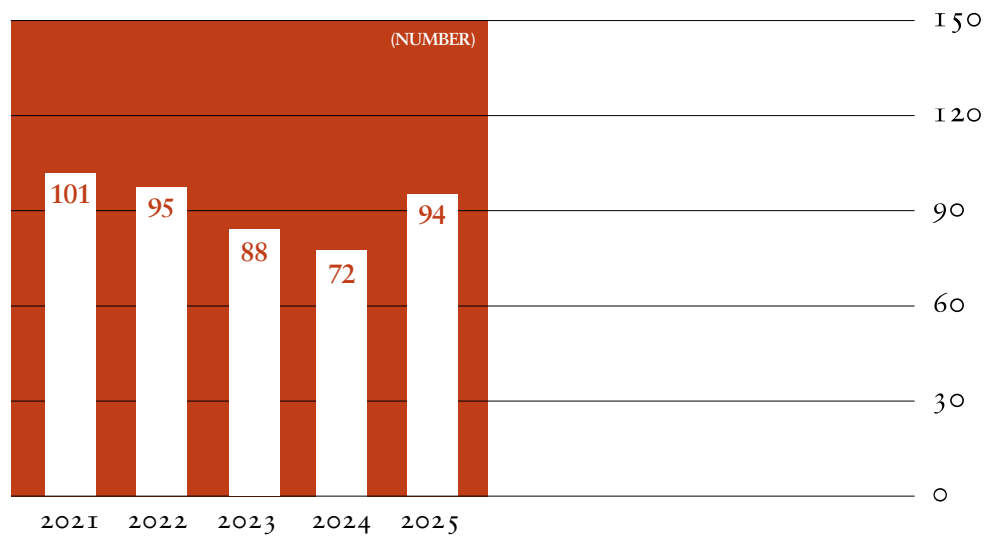
The Supreme Court arranged a precedent seminar with an emphasis on criminal law and criminal procedure. Fifty or so participants attended the seminar from the courts, the Prosecutor-General, the legal profession and the universities.

9 December

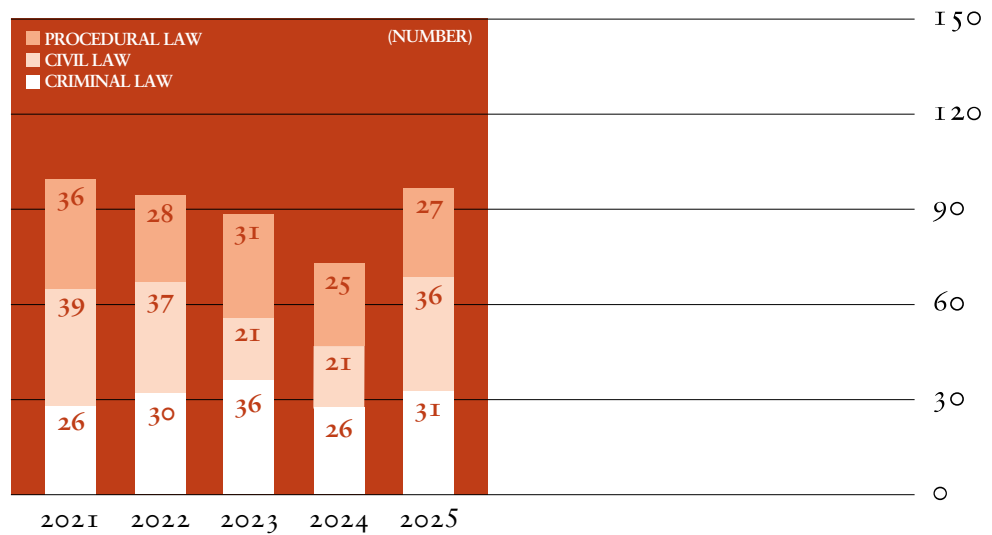
The Supreme Court received a visit from Victim Support Sweden. Administrative Junior Judges Isabella Håkansson and Hugo Karlstedt participated from the Supreme Court.

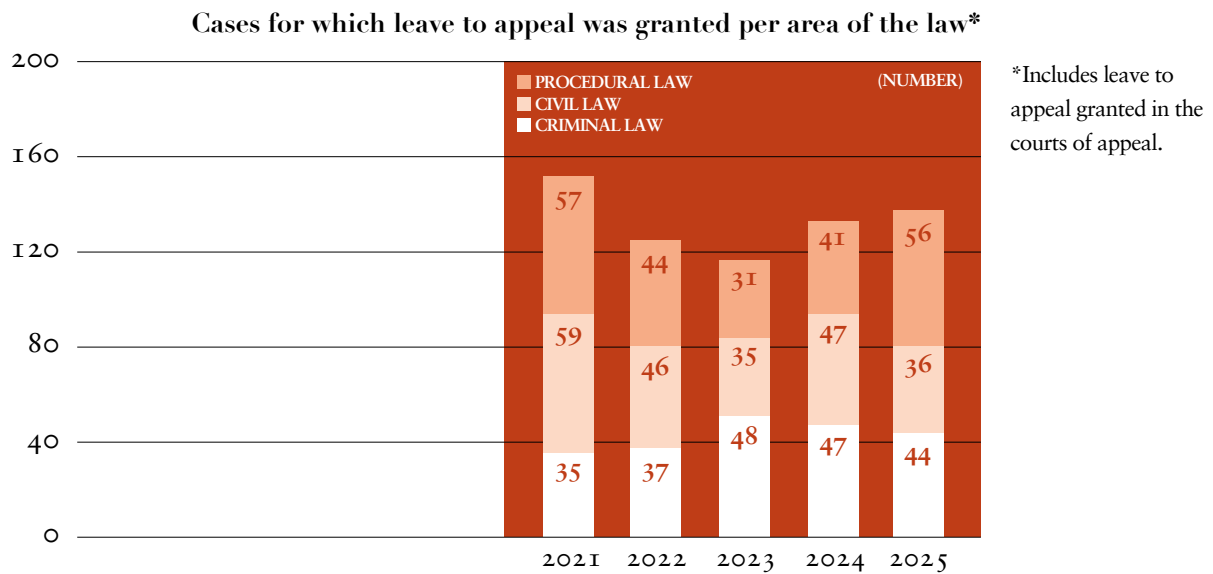
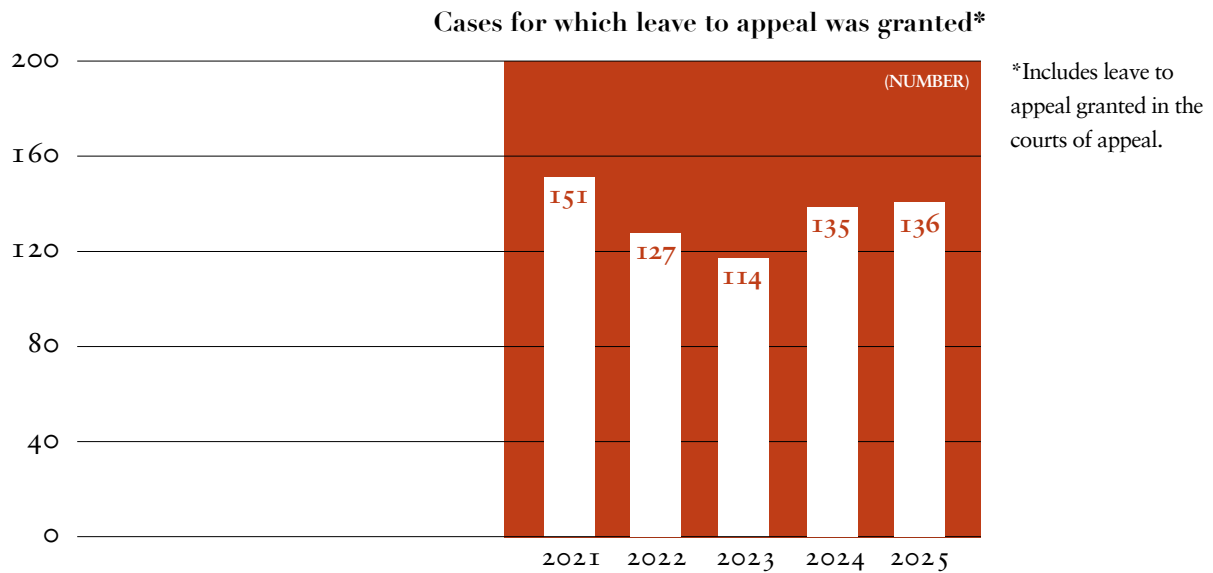
STATISTICS

Precedents



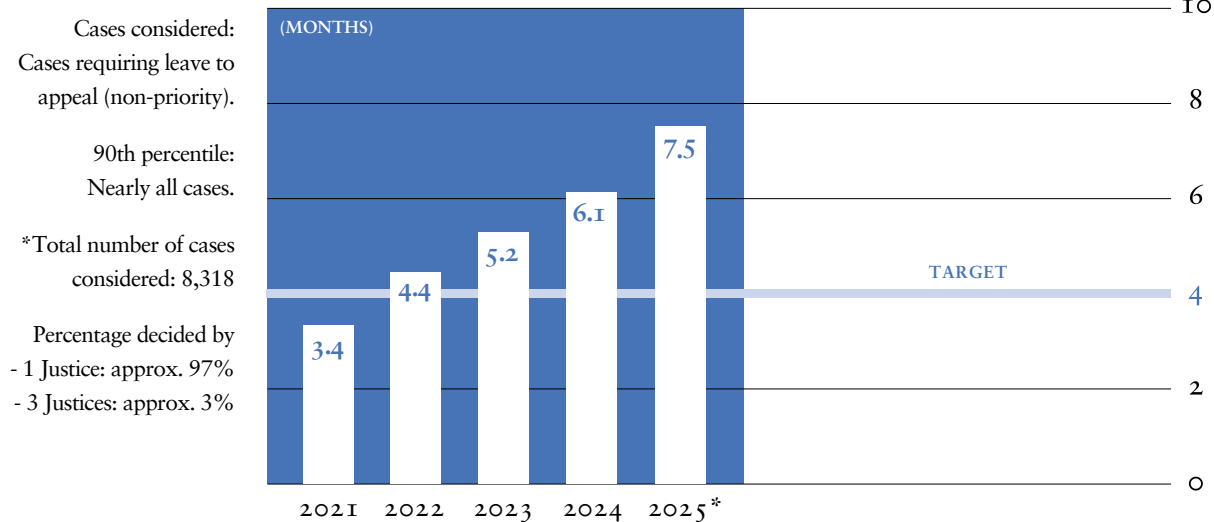
Precedents per area of the law



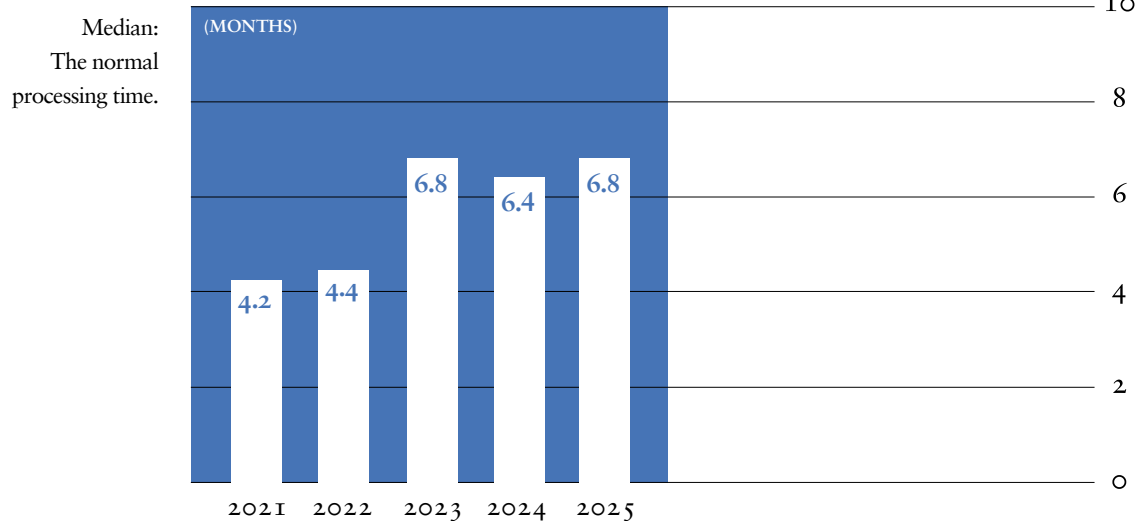


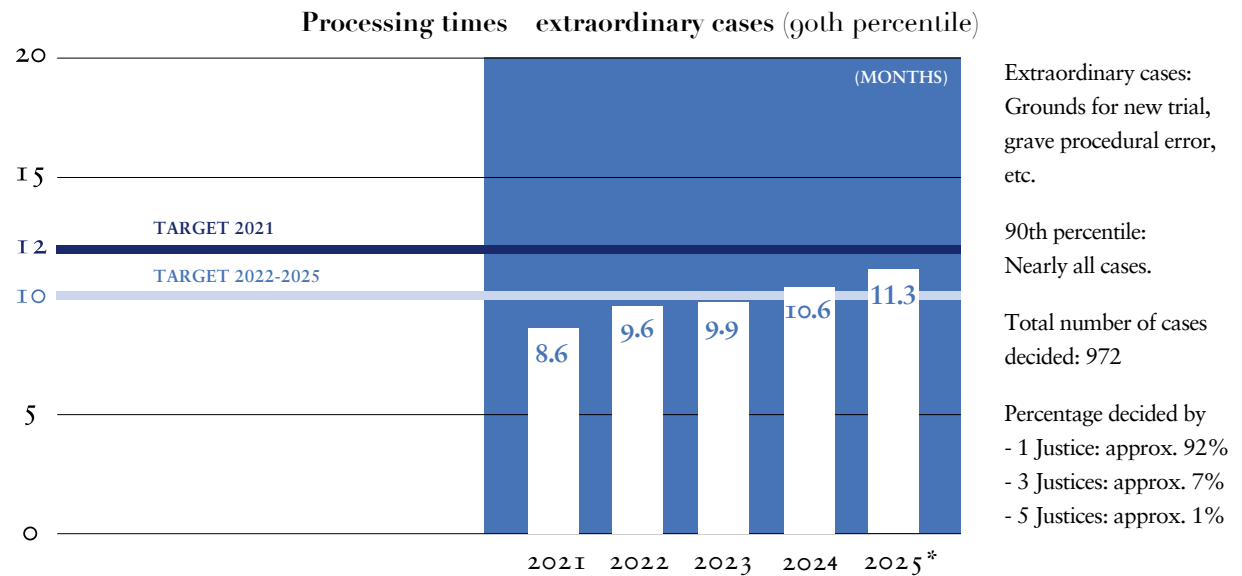
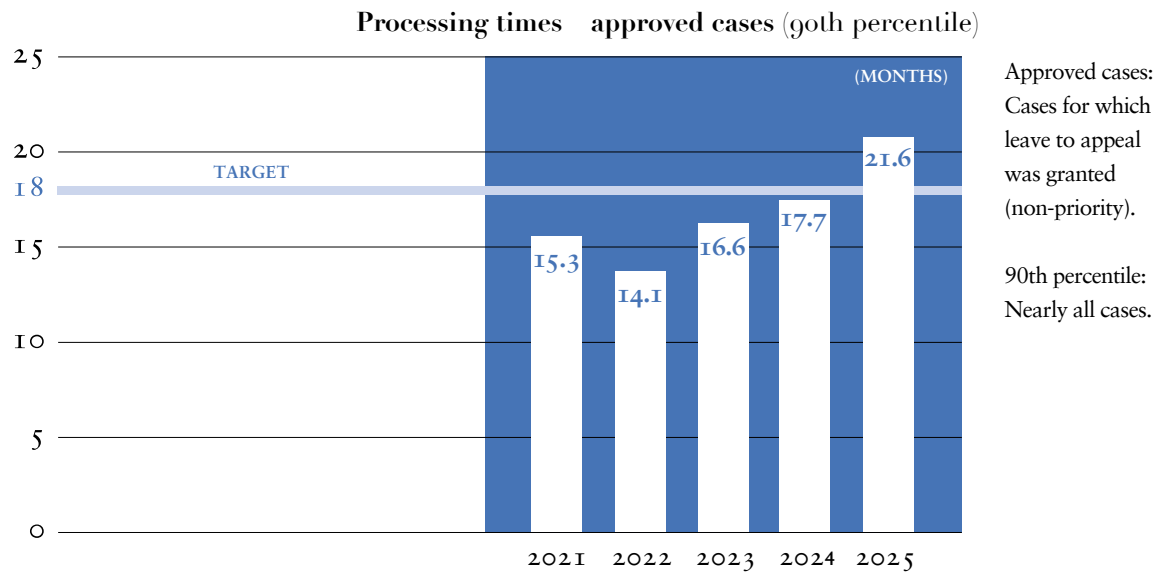
Processing times cases requiring leave to appeal (90th percentile)

Time to decision regarding leave to appeal

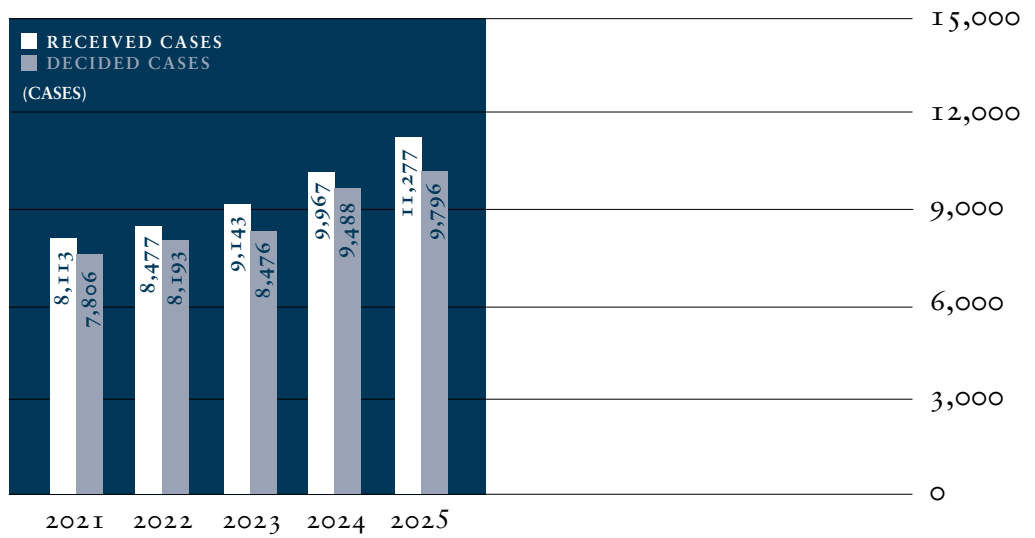


Processing times time to approval for leave to appeal (median)

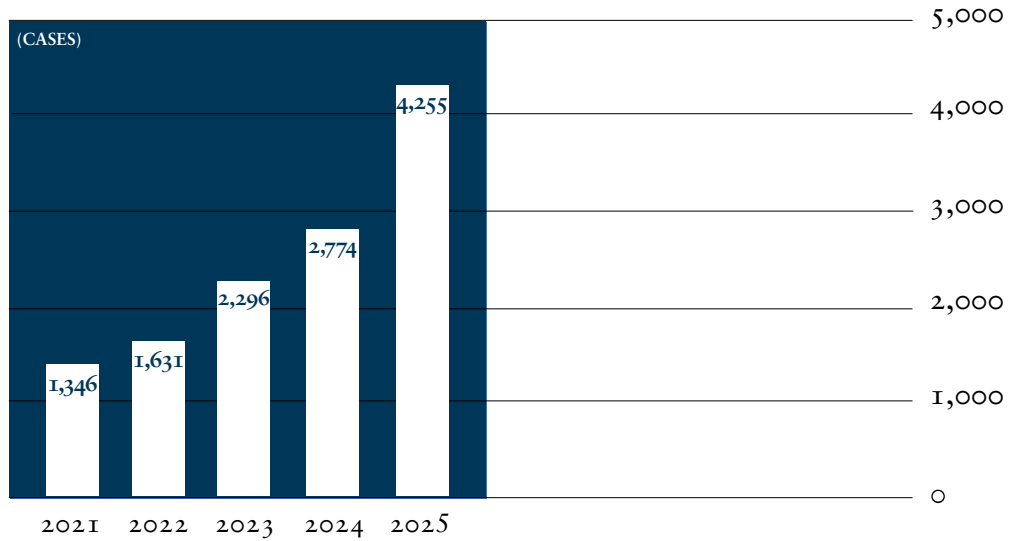




Total number of cases received and decided



Total number of cases not decided





The Justices of the Supreme Court

ANDERS EKA	BORN 1961	JUSTICE SINCE 2013	PRESIDENT SINCE 2018
STEFAN JOHANSSON	BORN 1965	JUSTICE SINCE 2016	HEAD OF DIVISION SINCE 2025
AGNETA BÄCKLUND	BORN 1960	JUSTICE SINCE 2010	
DAG MATTESSON	BORN 1957	JUSTICE SINCE 2012	
PETTER ASP	BORN 1970	JUSTICE SINCE 2017	
MALIN BONTHRON	BORN 1967	JUSTICE SINCE 2017	
ERIC M. RUNESSON	BORN 1960	JUSTICE SINCE 2018	
STEFAN REIMER	BORN 1962	JUSTICE SINCE 2019	
CECILIA RENFORS	BORN 1961	JUSTICE SINCE 2019	
JOHAN DANELIUS	BORN 1968	JUSTICE SINCE 2020	
JONAS MALMBERG	BORN 1962	JUSTICE SINCE 2022	
CHRISTINE LAGER	BORN 1962	JUSTICE SINCE 2022	
ANDERS PERKLEV	BORN 1960	JUSTICE SINCE 2023	(NOT PICTURED)
MARGARETA BRATTSTRÖM	BORN 1966	JUSTICE SINCE 2023	
KATRIN HOLLUNGER WÄGNERT	BORN 1968	JUSTICE SINCE 2025	
ERIK SJÖMAN	BORN 1975	JUSTICE SINCE 2025	



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