

This translated ruling is provided for information purposes only. Only the Swedish-language versions are the official rulings.

In case no. 4579-24, **AA** (Appellant) v. the **Swedish Transport Agency** (Respondent), the Supreme Administrative Court delivered the following judgment on 25 March 2025.

RULING OF THE SUPREME ADMINISTRATIVE COURT

The Supreme Administrative Court overturns the rulings of the lower courts and issues AA a warning.

BACKGROUND

1. A taxi driver licence grants permission to drive a vehicle in taxi traffic. One of the requirements to obtain a taxi driver licence is that the individual, in terms of professional qualifications and abidance with the law, is deemed to be suitable to serve as a taxi driver.
2. A taxi driver licence may be revoked where the holder, by virtue of criminal activity or due to other irregularities, has demonstrated unsuitability to serve as a taxi driver. In the event such irregularities are not so grave that the taxi driver licence should be revoked, a warning may instead be issued.
3. AA received a taxi driver licence in October 2021. In February 2024, the Swedish Transport Agency decided to revoke the licence.
4. The basis for the decision to revoke the licence was a binding judgment according to which AA was guilty of the purchase of sexual services in September 2023. He received a conditional sentence and 40 day fines. In addition, AA accepted two orders imposing fines for breaches of regulations regarding traffic offences in 2023.

5. The Swedish Transport Agency stated in the decision that the Agency took a serious view of the purchase by taxi drivers of sexual services since, to a large extent, taxi transportation is used by categories of passengers who are particularly dependent on the honesty and reliability of the driver.
6. AA appealed to the Administrative Court in Stockholm and claimed that he should instead be issued a warning. The administrative court rejected the appeal. The administrative court referred to the vulnerable position of a taxi customer and stated that the fact that AA was guilty of the purchase of sexual services, which is a sexual offence according to the Swedish Criminal Code, had undermined confidence in his ability to assume responsibility for the security of the travellers. The administrative court made the determination that AA, by virtue of the offence and taking into account the fact that he had recently also committed two traffic offences, had demonstrated such unsuitability to provide taxi services that a warning in lieu of revocation was not an adequate measure. According to the administrative court, the fact that the purchase of the sexual services did not occur in connection with the performance of AA's profession leads to no other determination.
7. AA appealed further to the Administrative Court of Appeal in Stockholm which concurred with the determination of the administrative court and rejected the appeal.

CLAIMS, ETC.

8. AA claims that the judgment of the administrative court of appeal is to be modified such that the taxi driver licence is not to be revoked and that he should instead be issued a warning.
9. *The Swedish Transport Agency* is of the position that the appeal is to be rejected.

REASONS FOR THE RULING

The question in the Supreme Administrative Court

10. The question is whether a taxi driver who is guilty of the purchase of sexual services has demonstrated unsuitability to serve as a taxi driver as a consequence of which the taxi driver licence is to be revoked. In the event the driver has not demonstrated unsuitability, i.e. where a revocation is not pertinent, the question arises as to whether a warning should be issued.

Legislation, etc.

11. Chapter 3, section 3, first paragraph (4) of the Taxi Traffic Act (2012:211) states that one of the requirements for obtaining a taxi driver licence is that the individual, in terms of professional qualifications and abidance with the law, is deemed to be suitable to serve as a taxi driver.
12. According to Chapter 4, section 6, first paragraph (1), a taxi driver licence shall be revoked where the holder, by virtue of criminal activity or due to other irregularities, has demonstrated unsuitability to serve as a taxi driver. The second paragraph of the section prescribes that a warning may instead be issued where the irregularity is not so grave that the taxi driver licence should be revoked.
13. According to Chapter 6, section 11, first paragraph of the Swedish Criminal Code, a person who is found guilty of the purchase of sexual services shall be sentenced to imprisonment for at most one year.

The Court's assessment

14. The provisions of the Taxi Traffic Act regarding taxi driver licences were previously found in the now repealed Professional Traffic Act (1998:490) to which they had been transferred from the older Professional Traffic Act

(1988:263). The preparatory works for the provisions state the following. In the assessment of a taxi driver's suitability, particular weight should be ascribed to the vulnerable position occupied by a taxi customer. The taxi driver's reliability, honesty and professional skills are essential to the security of the traveller. Offences against persons and more serious offences involving theft in general should lead to a determination that the driver is unsuitable. In conjunction with sexual offences and violent offences, a licence should be denied even if the offence is *per se* relatively minor in character. Revocation may be reserved for those situations involving such offences as undermine confidence in the driver to assume responsibility for the carriage of passengers (Government Bill 1993/94:168, pp. 23 and 41 and Government Bill 1997/98:63, p. 87 f.).

15. The Supreme Administrative Court stated the following in RÅ 2008 reported case no. 49. A revocation of a licence to carry out a profession is a restrictive measure which presupposes an individual examination. Naturally, revocation of a taxi driver licence should regularly occur in conjunction with certain types of offences which entail that the sentenced person may be regarded as *per se* unsuitable as a taxi driver, e.g. rape. But when the issue of revocation arises in other cases due to events or circumstances which lack a connection to the taxi operations, a standardised application should be avoided.
16. The first question to be addressed is thus whether the purchase of sexual services is such an offence as should regularly lead to revocation of the licence.
17. The 2008 case provides rape as an example of such an offence. The preparatory works also mention drug offences as an example (Government Bill 1997/98:63, p. 88). As regards assault offences, on the other hand, offences of the normal degree do not automatically entail revocation of the licence (RÅ 2008 reported case no. 49; *cf.*, also, RÅ 2010 reported case 118).
18. Purchases of sexual services, which were criminalised in 1999, constitute a sexual offence and the scale of penalties for the offence is imprisonment for at most one

year. The reason for criminalisation was stated to be, *inter alia*, that prostitutes are generally in a very difficult situation and that it is an important matter of public interest to combat prostitution; society's view of the matter is demonstrated by criminalisation (Government Bill 1997/98:55, p. 104; see, also, Government Bill 2021/22:231, p. 62).

19. As opposed to most other sexual offences, purchases of sexual services are not formulated as an offence against a person but, rather, protect public interests (Government Bill 2004/05:45, p. 104). Thus, in the opinion of the Supreme Administrative Court, the character of the offence involved is not one according to which a taxi driver who has been found guilty thereof is to regularly lose his or her taxi licence.
20. The fact that AA has been found guilty of a purchase of sexual services thus does not mean that he is to be automatically deemed unsuitable as a taxi driver and that his taxi driver licence should accordingly be revoked. Instead, an individualised and overall assessment of that which has been attributed to AA must be carried out, which also encompasses the circumstances at the time of the offence and other circumstances relevant to his suitability as a taxi driver.
21. In this assessment, the Supreme Administrative Court takes into particular account the fact that there is no connection between the offence and AA's exercise of his profession. Nor have any aggravating circumstances relating to the purchase of sexual services come to light. The act perpetrated by AA thus cannot be deemed to undermine confidence in him to be responsible for the security of the travellers in such a manner that he has demonstrated unsuitability to serve as a taxi driver. The fact that AA is also guilty of two traffic offences does not alter this determination.
22. Thus, revocation is not pertinent and the rulings of the lower courts will accordingly be overturned.

23. In a situation in which a taxi driver licence is called into question but the committed offence or another irregularity is not so grave as it constitutes grounds to revoke the taxi driver licence in accordance with Chapter 4, section 6, first paragraph (1) of the Taxi Traffic Act, the question arises whether the taxi driver, pursuant to the second paragraph of the section, shall instead be issued a warning. It is apparent from the preparatory works that warnings are to be issued when such appear to be more justified than revocation, e.g. in minor cases of misconduct in the form of less serious offences, and should be able to be applied before the conditions are such that revocation must occur (Government Bill 1997/98:63, p. 90).
24. In light of the character of the work performed by a taxi driver, there is cause to expect abidance with the law by those who serve as taxi drivers. AA is guilty of the purchase of sexual services, which is an offence for which the scale of penalties provide only imprisonment. Accordingly, there are grounds to issue him a warning.

Justices Helena Jäderblom, Per Classon, Leif Gäverth, Mats Anderson and Magnus Medin have participated in the ruling.

Judge Referee: Jenny Björstrand.