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“Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive”

SMART N° 2009/0001/ OJ 2009/S 94-134142

Country Tables Sweden

Table of contents

I.	GENERAL INFORMATION	2
	Table 1 - Market data	2
	Table 2 - Audiovisual laws and regulatory bodies	2
	Table 3 - Regulatory bodies – general information	4
	Table 4 - Sectors covered	4
	Table 5 - Staff and overall budget	5
II.	INSTITUTIONAL FRAMEWORK	5
	Table 6 - Legislation establishing and governing the regulatory body	5
	Table 7 - Legal status	6
	Table 8 - Independence as a value	6
III.	POWERS OF THE REGULATORY BODIES	7
	Table 9 - Regulatory powers	7
	Table 10 - Supervision and monitoring power	8
	Table 11 - Powers of sanctions	8
	Table 12 - De facto use of formally granted competences and monitoring powers	9
	Table 13 - De facto use of formally granted sanction powers	9
	Table 14 - Complaints handling	10
IV.	INTERNAL ORGANISATION AND STAFFING	10
	Table 15 - Highest decision-making organ – composition	10
	Table 16 - Highest decision-making organ – competences and decision-making process and transparency	11
	Table 17 - Highest decision-making organ – appointment process	12
	Table 18 - Term of office and renewal	12
	Table 19 - Professional expertise/qualifications	13
	Table 20 - Rules to guard against conflicts of interest – Appointment process ..	14
	Table 21 - Rules to guard against conflicts of interest – during term of office	14
	Table 22 - Rules to guard against conflicts of interest – after term of office	15
	Table 23 - Rules to protect against dismissal	15
	Table 24 - Dismissal before term	16
V.	FINANCIAL RESOURCES	17
	Table 25 - Sources of income	17
	Table 26 - Annual budget	18
	Table 27 - Financial accountability – auditing	18
VI.	CHECKS AND BALANCES	19
	Table 28 - Formal accountability	19
	Table 29 - Reporting obligation	20
	Table 30 - Auditing of work undertaken	20
	Table 31 - Power to overturn/instruct	21
	Table 32 - Number of stages in appeal procedure	22
	Table 33 - Does the regulator’s decision stand pending appeal?	23
	Table 34 - Accepted grounds for appeal	23
	Table 35 - Does the appeal body have power to replace the original decision with its own?	23
VII.	PROCEDURAL LEGITIMACY	24
	Table 36 - External advice regarding regulatory matters	24
	Table 37 - Public consultations	24
	Table 38 - Public consultations – figures	25
	Table 39 - Publication of regulator’s decisions	25
VIII.	COOPERATION	26
	Table 40 - Cooperation with other regulatory authorities	26
	Table 41 - International cooperation	26

I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Sweden	156 services according to a Press Release from the European Commission Director-General Communication, 13 January 2010 www.obs.coe.int/about/oea/pr/mavise_end2009.html	No information available	4 (SVT1, SVT2, 24, Barnkanalen/Kunskapskanalen)

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Sweden	Information requirements (art. 5 AVMS Directive)	Radio & TV Law (1996 : 844) Art 8 Act (2002 :562) on electronic commerce and other information society services (applies to on-demand media services)	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter	Swedish Consumer Agency	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	Product placement is not regulated yet	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter Swedish Consumer Agency	The Swedish Consumer Agency	
	Accessibility to people with a disability (Art. 7 AVMS Directive)	Radio & TV Law (1996 : 844) (provides for the possibility to issue licenses containing obligations to adapt the broadcasts to people with disabilities.)	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter	No information available	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter
	Broadcasting of major events (Art. 14 AVMS Directive)	Radio & TV Law (1996 : 844)	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter	No information available	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Access to short news reports (Article 15 AVMS Directive)	The Copyright Act (1960:729) to some extent	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter	Swedish Broadcasting Commission (until July 31, 2010)	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Radio & TV Law (1996 : 844)	Swedish Radio & Television Authority	No information available	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter
	Hate speech (Art. 12 and 6 AVMS Directive)	The Fundamental Law on Freedom of Expression	The Chancellor of Justice	The Chancellor of Justice	The Chancellor of Justice
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	Radio & TV Law (1996 : 844) The Market Act The Alcohol Act The Tobacco Act	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter The Consumer Agency The Medicinal Products Agency	The Consumer Agency The Medicinal Products Agency	The Consumer Agency The Medicinal Products Agency
	Protection of minors (Art. 27 AVMS Directive)	Radio & TV Law (1996 : 844) The Fundamental Law on Freedom of Expression	The Chancellor of Justice The Swedish Broadcasting Commission Radio & Television Authority thereafter	The Chancellor of Justice	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter The Chancellor of Justice
	Right of reply (Art. 28 AVMS Directive)	Radio & TV Law (1996 : 844)	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter	No information available	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	Radio & TV Law (1996 : 844)	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter)	No information available	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority thereafter

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	www.grn.se www.grn.se/grn/pages/Page____3318.aspx	July 1, 1994	Stockholm
	Radio and Television Authority	www.rtvv.se	July 1, 1994	Stockholm
	Radio & Television Authority (from 1 August, 2010) to replace current SBC and RTA	NA	August 1, 2010 (New Authority)	Stockholm
	The Swedish Consumer Agency	www.konsumentverket.se	1973	Karlstad
	The Chancellor of Justice	www.jk.se/	1713	Stockholm
	The Medicinal Products Agency	www.mpa.se	1990	Uppsala

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Yes	No	No	No	No	No
	Radio & TV Authority	No	Yes	Yes	No	No	No

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Sweden	The Swedish Radio and TV Authority	Not regulated	15	Not regulated	€1,37	2010
	Swedish Broadcasting Commission	Not regulated	13	Not regulated	SEK 10,963,000 (€1.19m)	2009 www.grn.se/upload/PDF-filer/info/%C3%85rsredovisning%202009.pdf

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	Lagen (1994:398) om ändring i radiolagen (1966:755)	Radio & TV Law (1996 : 844) New law to be enacted (estimated June/July 2010). Reply RTA The Fundamental Law on Freedom of Expression The Act with Instructions for The Broadcasting Commission (2007:1183)
	The Swedish Radio and TV Authority	The Swedish Radio and Television Act (1996:844), www.rtv.se/uk/The_Act/	Förordning med instruktion för Radio- och TV-verket (2007:1190). The document is not translated but would respond to The Act with Instructions for The Swedish Radio and TV Authority (2007:1190).

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	Authority – Regulator under the Ministry of Culture, exercising the laws decided by the Parliament.	Yes		The Act with Instructions for The Broadcasting Commission (2007:1183) Ministry cannot intervene in the application of law by the regulatory authority, nor the manner in which it deals with individual cases.	
	The Swedish Radio and TV Authority	Authority - Regulator under the Ministry of Culture, exercising the laws decided by the Parliament.	Yes		How Sweden is governed, http://www.regeringen.se/content/1/c6/09/50/17/89224f37.pdf and The 1974 Instrument of Government 11:7	

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)		√	The 1974 Instrument of Government 11:7 Radio & TV Law (1996 : 844) ; Swedish Constitution

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
	Swedish Radio and TV Authority		√	The Administrative Procedural Act www.sweden.gov.se/sb/d/5805/a/64892 and The 1974 Instrument of Government 11:7

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Tick boxes	No	√	√
		Areas		No information available	No information available
		Source		Same as above	Same as above
	Swedish Radio and TV Authority	Tick boxes	No	√	√
		Areas		Supervision	Licensing terrestrial television
		Source		www.rtvv.se/uk/Swedish_Radio_and_TV_Authority/	www.rtvv.se/uk/Swedish_Radio_and_TV_Authority/

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	Quotas		√	√		Monitoring after complaint (not only after)	Radio & TV Law
		Advertising		√	√		Monitoring after complaint (not only after)	Radio & TV Law
		Protection of minors		√	√		Monitoring after complaint (not only after)	Radio & TV Law
	Radio and Television Authority	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio and TV Authority	Quotas						
		Advertising	√				√ (following a decision by an Administrative Court)	
		Protection of minors	√		√			
	Swedish Radio and TV Authority	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Sweden	Swedish Broadcasting Commission (until July 31, 2010)		√		√	√		√
	Radio & Television Authority	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from August 1, 2010)	√	√	√		√ (following a decision by an Administrative Court)
	Radio & Television Authority	N/A	N/A	N/A	N/A	N/A

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Yes (First there is a formal examination of the complaint. The complaint must generally be in writing and regard a program broadcast within the last six months. If the complaint regards privacy issues, consent from the person affected is required. Most complaints lead to an examination of the broadcast and most such examinations end with a clearance decision by the Director. If the matter is complicated or the program is believed to be in breach of the provisions governing the broadcast, the matter is referred to the Commission.)	www.grn.se/grn/pages/ReportForm____589.aspx
	Swedish Radio and TV Authority	N/A	N/A

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts		
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Board	11 (1 chair & 6 members, one of which is vice-chair; 4 deputy commissioners)	The Commission currently consists of 7 ordinary commissioners and 4 deputy commissioners, appointed by the government for a period of 3 years. The chairman and the vice-chairman are judges with high judicial offices. The other members come from a wide range of backgrounds and have broad experience in the social, cultural and media fields.			Gender Equality	No information available	Chapter 9 Section 3 Radio- and TV Act; Section 3 Regulatory brief of the Broadcasting Commission; Fundamental Law on Freedom of Expression, 7:4	

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
	The Swedish Radio and TV Authority	Director - General		n/a							www.rtvv.se/uk/Swedish_Radio_and_TV_Authority/

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	No information available	Majority and Chair's unilateral decision on issues of lesser importance Quorum with Chair or Vice-Chair plus 3 other members Source: Radio & Television Act Chapter 9, Section 3 http://www.riksdagen.se/webbnav/index.aspx?nid=3911&bet=1996:844	No agendas or minutes but all decisions are public (as are all Swedish official documents).	No

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Chairman	No		Government	n/a	No information available
		Board members	No		Government	n/a	No information available
	RTA The Swedish Radio and TV Authority	Chairman/ Director-General	No		Government		Förordning med instruktion för Radio- och TV-verket (2007:1190). The document is not translated but would respond to The Act with Instructions for The Swedish Radio and TV Authority (2007:1190).
		Board members	n/a				

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Chairman of the board	3 years	Yes	Yes (unlimited)	
		Board members	3 years	Yes	Yes (unlimited)	

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
	The Swedish Radio and TV Authority	Chairman of the board/ Director-General	6 years	No	Yes, one time for three years	
		Board members	n/a			

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	Chairman of the board	Active or former permanent judges (includes Vice-Chair)		Source: Radio & Television Act Chapter 9, Section 3
	(Not applicable for the Swedish Radio and TV Authority)	Board members	General wisdom and being a person of good judgement.		Source: Radio & Television Act Chapter 9, Section 3

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Chairman	Yes		No information available			Yes (All concurrent offices or other sources of income must be approved by the government)	No information available	
		Board members	Yes		No information available			Yes	No information available	
		Senior staff	No information available						Yes	No information available

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Chairman	Yes		Yes	Yes	Yes	http://www.sweden.gov.se/content/1/c6/06/48/92/a02dc523.pdf §11
		Board members	Yes		Yes	Yes	Yes	http://www.sweden.gov.se/content/1/c6/06/48/92/a02dc523.pdf §11
		Senior staff	Yes		Yes	Yes	Yes	http://www.sweden.gov.se/content/1/c6/06/48/92/a02dc523.pdf §11

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Chairman		No		
		Board members		No		
		Senior Staff		No		

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Chairman		No	Government, but can only remove from position, not employment (e.g. can be moved to another authority or position)			

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
		Individual board members		No	Government			

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	2009	Chairman		No		
			Individual board members		No		
		2008	Chairman		No		
			Individual board members	Yes			Yes, two board members were participating in the work of drafting a proposal for a new strategy for Public Service Broadcasters and it was considered inappropriate that they at the same time were in the SBC.
		2007	Chairman		No		
			Individual board members	Yes			Yes, two board members were participating in the work of drafting a proposal for a new strategy for Public Service Broadcasters and it was considered inappropriate that they at the same time were in the SBC.
		2006	Chairman		No		
			Individual board members		No		

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
		2005	Chairman		No		
			Individual board members		No		
	Not applicable for the Swedish Radio and TV Authority						

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Yes 66% (2009 figures)	Yes 33% (2009 figures)	No	No	No	No	www.notisum.se/rnp/SIs/lag/19890041.htm www.grn.se/upload/PDF-filer/info/Instruktion%20och%20regleringsbrev/Regleringsbrev%202010.pdf
	Swedish Radio and TV Authority	No	98% state funding overall	No	The licence fee is SEK 30,000 (€3000)/application for digital terrestrial television	No	No	

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Government sets budget, approved by parliament.	Yes, but only through reports and ministry contact. No involvement in final decision	Parliament	Low (outside of government/parliament and regulator)	www.grn.se/upload/PDF-filer/info/Instruktion%20och%20regleringsbrev/Instruktion%20f%C3%B6r%20Granskningsn%C3%A4mnden%202009.pdf
	Swedish Radio and TV Authority	Parliament	Yes	Government/Parliament		How Sweden is governed, www.regeringen.se/content/1/c6/09/50/17/89224f37.pdf

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	Yes	Annual	State Auditor			www.notisum.se/rnp/sls/lag/20021022.HTM
	Swedish Radio and TV Authority	Yes	Yearly	Yes	No	No	The Administrative Procedural Act, www.sweden.gov.se/sb/d/5805/a/64892

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Parliament	No	Reports	www.notisum.se/rnp/sls/lag/20021022.HTM
		Government as a whole	Yes	Reports	www.notisum.se/rnp/sls/lag/20021022.HTM
		Specific ministers (e.g. Media, finance, etc.)	No	Reports	www.notisum.se/rnp/sls/lag/20021022.HTM
		Public at large	No	Reports	www.notisum.se/rnp/sls/lag/20021022.HTM
		Other	No	N/A	N/A
	Swedish Radio and TV Authority	Parliament	No	N/A	N/A
		Government as a whole	Yes	Reports, both yearly and as a result of special assignments	www.notisum.se/rnp/sls/lag/20021022.HTM
		Specific ministers (e.g. Media, finance, etc.)	No	N/A	The Administrative Procedural Act
		Public at large	No	N/A	N/A
		Other	Yes	The Swedish National Audit Office	<i>No information available</i>

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Ministry of Culture	Annual	Financial, reports, number of cases and results, self-evaluation, etc.	Yes (financial data, number of cases examined and results, investments, etc.)	Yes	No	www.grn.se/upload/PDF-filer/info/%C3%85rsredovisning%202009.pdf
	Swedish Radio and TV Authority	Ministry of culture	Annual	Yes, for decisions taken on certain expenses and investments.	Yes, for decisions taken on certain expenses and investments.	Yes, by external auditing.	No	www.rtv.se/_upload/infomaterial/Årsredovisning%202009_webb.pdf

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Yes	Annual	Yes	No	No	Regulatory brief of the Broadcasting Commission
	Swedish Radio and Television Authority	Yes	Annual	Yes	No	No	<i>No information available</i>

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes But only in terms of general frameworks, not specific cases	Yes But only in terms of general frameworks, not specific cases	No	No	<i>No information available</i>
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision)?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude	Yes Political/ministerial intervention in the activities of regulators is forbidden by the Swedish constitution	Yes See first column	Yes See first column	N/A	N/A	Constitution

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		instructions on political grounds)?						

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Internal	1	<i>No information available</i>	Yes, depending on the claim. <i>No information available</i>	All The broadcaster can lodge an appeal against a decision to act under penalty of a fine	The Radio- and Television Act, chapter 13
		External	1	<i>No information available</i>			
	N/A for the Swedish Radio and TV Authority <i>No information available</i>	<i>No information available</i>		<i>No information available</i>	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>
	N/A for the Swedish Radio and TV Authority	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>	<i>No information available</i>

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	√	√	√	N/A
	N/A according to RTA				N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	1 Courts	√		For example, courts can adjust fines that were issued by the regulatory authority
		2	√		
		3	√		
	N/A for the Swedish Radio and TV Authority				

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	No. Budget for external advice decided by authority		Yes		Yes, from the Radio- and TV-authority in certain questions.
	Swedish Radio & Television Authority	No specific budget		Yes		In some cases

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Sweden	Swedish Broadcasting Commission (until July 31, 2010) Radio & Television Authority (from 1 August, 2010)	None required, most often in conjunction with strategy or policy.	No		Yes		
	Swedish Radio & Television Authority	Not regulated	No requirements		Same	Same	

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	2005-2009	N/A
	Swedish Radio & Television Authority	2009	1
		2008	1
		2007	2
		2006	1
	2005	-	

Table 39 - Publication of regulator's decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Sweden	Swedish Broadcasting Commission (until July 31, 2010)		The Administrative Procedure Act (1986:223) www.sweden.gov.se/sb/d/5805/a/64892		
	Swedish Radio & Television Authority	None	The Administrative Procedure Act (1986:223) www.sweden.gov.se/sb/d/5805/a/64892		

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Sweden	Swedish Broadcasting Commission (until July 31, 2010)		When a question on local radio or TV is being handled the SBC collects information from Radio and TV-authority.	General advice regarding contact with other authorities.	
	Swedish Radio & Television Authority	The Swedish Broadcasting Commission, The Swedish Consumer Agency, The Swedish Post and Telecom Agency.		No	

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Sweden	Swedish Broadcasting Commission (until July 31, 2010)	Yes, EPRA and Nordic Regulatory Authorities	www.grn.se/upload/PDF-filer/info/Instruktion%20och%20regleringsbrev/Instruktion%20f%C3%B6r%20Granskningsn%C3%A4mnden%202009.pdf	
	Swedish Radio & Television Authority	Yes, EPRA, CBISS, DVB and Nordic Cooperation		