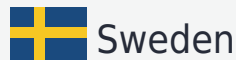


[Home](#) > ... > [Court Procedures](#) > [Civil Cases](#) > [Time Limits On Procedures](#) > [Sweden](#)

Time limits on procedures



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European Judicial Network
(in civil and commercial
matters)

1 What are the types of deadlines relevant for civil procedures?

There are several different types of deadlines in civil matters, as well as periods of time laid down in the Constitution. These include, for example, time limits for an appeal, for lodging a complaint and for having a case reopened (the period within which a case must be brought before the court). There are also provisions which merely stipulate that a measure must be taken and it is then up to the court to decide the period of time within which this must be done; for example, time limits for providing additional information, evidence or a statement of defence.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Saturdays, Sundays and public holidays are regarded as non-working days.

The following are public holidays in Sweden (Act (1989:253) on public holidays; 'lagen om allmänna helgdagar'):

- New Year's Day (1 January)
- Epiphany (6 January)
- Good Friday (the last Friday before Easter)
- Easter Sunday (the first Sunday following the full moon on or after 21 March)
- Easter Monday (day after Easter Sunday)
- Ascension (sixth Thursday after Easter Sunday)
- Whit Sunday (seventh Sunday after Easter)
- Swedish National Day (6 June)
- Midsummer's Day (Saturday falling between 20 and 26 June)
- All Saints' Day (Saturday falling between 31 October and 6 November)
- Christmas Day (25 December)
- Boxing Day (26 December)

3 What are the applicable general rules on time limits for the various civil procedures?

The basic principle governing time limits is that when a person is required by a court to perform some act in the proceedings he must be afforded a reasonable time to comply (Chapter 32 Section 1 of the Swedish Code of Judicial Procedure; 'rättegångsbalken'). In most cases the time allowed is laid down by the court, which must at that point set a time limit which will allow the party an acceptable amount of time in which to comply.

In a small number of cases a particular period of time is laid down in the Swedish Code of Judicial Procedure. This applies mainly to time limits for appealing against a court judgment or decision, for requesting that a closed case be reopened, or in some cases for having a time limit changed.

A person who wishes to appeal against a district court judgment in a civil case must do so within three weeks from the pronouncement of the judgment. A person wishing to appeal against a district court ('tingsrätt') decision in a civil case must do so within the same time. However, if a decision taken during proceedings has not been pronounced at a court hearing and no statement has been made before the court as to when the decision will be pronounced, the period for appeal is calculated from the day when the appellant received the decision. For appeals against judgments or decisions by the court of appeal ('hovrätt') the time limit is four weeks (Chapter 50 Section 1, Chapter 52 Section 1, Chapter 55 Section 1 and Chapter 56 Section 1 of the Swedish Code of Judicial Procedure).

A party against whom a judgment by default has been entered by a district court ('tingsrätt') may, within one month from the date on which the judgment was served upon him, apply for reopening of the case (Chapter 44 Section 9 of the Swedish Code of Judicial Procedure).

If an appeal has lapsed because the appellant did not attend the proceedings in the court of appeal ('hovrätt'), the appellant may, within three weeks from the date on which the decision was issued, apply to the court to reinstate the case (Chapter 50 Section 22 of the Swedish Code of Judicial Procedure).

If a party has missed the deadline for lodging an appeal or for applying for a case to be reinstated or reopened, he can apply to have the time limit restored. The application must be made within three weeks of the end of the excusing circumstances and at the latest within one year of the expiry of the time limit (Chapter 58 Section 12 of the Swedish Code of Judicial Procedure).

A number of time limits also apply in summary proceedings in the Swedish Enforcement Authority. A respondent will be ordered to comment on an application within a certain time from the date of notification. Except in special circumstances this period must not be longer than two weeks (Section 25 of the Act (1990:746) on orders to pay and assistance; 'lagen om betalningsföreläggande och handräckning'). If the respondent contests the application the applicant has a maximum of four weeks from the date on which notification of the opposition was sent to him/her in which to request that the case be transferred to a district court ('tingsrätt') to be dealt with further (Section 34). If the Swedish Enforcement Authority issues a decision in a case involving an order to pay or general assistance the respondent can request that the case be reopened within a month from the date of the decision (Section 53). An appeal may be lodged against other types of decision by the authority within three weeks from the date on which the decision was taken (Sections 55-57).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

If an act must be performed within a given period, the period normally begins to run on the day on which the decision or order is issued. In cases where a document must be served on the party, however, the period does not start to run until the party has received the document (date of service).

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

In cases where a document must be served on the party, the period does not start to run until the party has received the document (date of service).

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Where the start date is the date on which the decision or order was made, the time limit is often expressed in the form of a specific date by which the action resulting from the decision or order must have been carried out. Sometimes, however, a time limit is also set when it is stipulated that an action must be taken within a certain number of days, weeks, months or years, which always begin with a starting date. Where the starting date is the date of service it is always stated that an action must be taken within a certain number of days, weeks, months or years from the date of service, which is the date on which the party receives the document.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

If the period of time is expressed in days, the number of days specified includes calendar days and not just working days.

8 When such a period is expressed in weeks, in months or in years?

If an act must be performed within a given period, the period normally begins to run on the day on which the decision or order is issued. In cases where a document must be served on the party, however, the period does not start to run until the party has received the document (date of service).

9 When does the deadline expire if expressed in weeks, in months or in years?

The Act (1930:173) on the calculation of statutory time limits ('lag om beräkning av lagstadgad') states that when time limits are expressed in weeks, months or years, the final date is the day which, by its name or by its number in the month, corresponds to the day on which the period of time started to run. If there is no corresponding day in the final month, the last day of the period of time is taken to be the last day of the month.

If the day by which an action must be performed falls on a Saturday, Sunday or other public holiday (see 2 above), Midsummer's Eve (the day before Midsummer's Day), Christmas Eve (24 December) or New Year's Eve (31 December), the deadline for performance of the action is extended until the next working day. This also applies if the period of time starts on the date of service.

Where Council Regulation No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits is applicable, the provisions of that Regulation apply instead.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

If the day by which an action must be performed falls on a Saturday, Sunday or other public holiday (see 2 above), Midsummer's Eve (the day before Midsummer's Day), Christmas Eve (24 December) or New Year's Eve (31 December), the deadline for performance of the action is extended until the next working day. This also applies if the period of time starts on the date of service.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

There are no specific rules on extending time limits in cases where the party is resident or established or is otherwise located outside Sweden or in a remote area. However, as already stated, the court will in many cases determine for itself how long any time limit will be and at that point will ensure that the party is given a reasonable amount of time in which to act.

12 What are the time limits for appeals?

The time limits for appeals against court rulings or decisions are usually three or four weeks.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

If a time limit is laid down by law (e.g. time limit for lodging an appeal) this period can be neither reduced nor increased. If a party has been ordered to be present in court or to perform some other act the court can extend the time limit by setting a new deadline. In an emergency there is nothing to prevent the court from cancelling a

planned hearing and organising another one on an earlier date. However, the parties must be given reasonable time to prepare.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No; see 11 above.

15 What are the consequences of non-observance of the deadlines?

Time limits for complying with orders, etc.

If the plaintiff does not comply with an order to provide additional information for his application for a summons or if there is any other hindrance to trying the case the claim is dismissed. If the respondent fails to file a statement of defence, a judgment can be entered against him or her by default. Failure to comply with an order in time can also result in the court ruling on the case notwithstanding.

Failure to appear in court

In cases amenable to out-of-court settlement (e.g. commercial disputes) failure by one of the parties to appear before the district court ('tingsrätt') can lead to a judgment being entered by default. In other cases fines can be imposed. However, in cases which are not amenable to out-of-court settlement (e.g. litigation in family matters) failure by the plaintiff to appear in court can lead to the case being dropped while an absent opposing party can either be fined or be brought to court. If the complainant fails to appear at proceedings before the court of appeal the appeal can lapse. If the opposing party fails to appear a fine can be imposed.

Time limit for appeal

If a party appeals too late the appeal will be dismissed.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If the time limit is not laid down by law the party must, before the time limit has expired, apply to the court for a delay and ask for the period to be extended. If the time limit has expired and the court has subsequently taken action, e.g. ruled on the case, there are a number of ordinary and extraordinary measures a party can take. The purpose of these measures is either to bring about the reinstatement of a case that has been closed or in some circumstances to have the time limit changed (see 3 above).

■ Last update: 28/01/2025

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