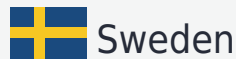


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Service of documents: official transmission of legal documents



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European Judicial Network
(in civil and commercial matters)

1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

In practice, 'service' means that a document is sent or delivered to the person sought and that there is evidence that they have received the document or that the rules of the Service of Process Act have been followed. The reasons for there being rules on service include the fact that courts must be able to rely on documents being received by their addressee.

2 Which documents need to be served formally?

Service must be used if it is specifically provided for or if it is necessary, for the purpose of a provision on notification, for documents to be served, but otherwise only if the circumstances so require. An example of a specific provision of law requiring documents to be served is when a writ of summons is to be served on the defendant in a civil case.

3 Who is responsible for serving a document?

It is usually the authority/court that ensures that documents are served. It may, however, occur that the authority/court allows a party who so requests to ensure that the documents are served (service by a party). A prerequisite for service by a party is that it is not inappropriate.

4 Address enquiries

4.1 Does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the address indicated is not correct? See also notification under Article 7(2)(c) of the Service of Documents Regulation.

The receiving agency takes the initiative to search for new address details for the recipient if the recipient has moved from the address given in the writ.

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

When the address of a person to be served with a judicial or other document is unknown, the Swedish Tax Agency helps determine the address of natural persons and the Swedish Companies Registration Office the

address of companies. There is no specific formal procedure for accessing this information.

To request information from the Tax Agency, you can call it on +46 771567567 or click on the link [Ask a question or give an answer](#) | Swedish Tax Agency, which leads to a form where you can fill in your address enquiries. You can also send your query by post to the Swedish Tax Agency, SE-205 30 Malmö, SWEDEN. You can use Form B to send your enquiry by post. Information from the population register is provided free of charge.

To request information from the Swedish Companies Registration Office, you can call it on +46 771670670 or email your enquiry to bolagsverket@bolagsverket.se. You can also send your enquiry by post to the Swedish Companies Registration Office, SE-851 81 Sundsvall, SWEDEN. You can use Form B to send your enquiry by email or post. Charges may apply.

4.3 What type of assistance in address enquiries from other Member States do the authorities of this Member State provide under Article 7(1) of the Service of Documents Regulation? See also notification under Article 7(1) of the Service of Documents Regulation.

See 4.2.

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

The most common way of serving a document is to send it by post to the person sought (ordinary service). The letter is accompanied by a service receipt which the person sought is asked to sign and return.

Alternative methods of service (in addition to indirect service) are oral service, simplified service, special service on legal persons and service by a bailiff.

Oral service means that the content of the document to be served is read out, for example over the telephone, to the person on whom it is to be served before, as a starting point, being posted to them. No acknowledgement of receipt is required for oral service. The document is deemed to have been served once its content has been read out.

Simplified service involves posting the document to the last known address of the person sought and, on the next working day, sending an advisory notice to the same address, stating that the document has been sent. No acknowledgement of receipt is required for simplified service. Documents are considered to have been served two weeks after having been sent, provided that the advisory notice has been sent as prescribed. Simplified service may be used only if the person sought has been informed that simplified service may be used in the case or matter. In practice this means that a party to a case, for example, need be served a document with acknowledgement of receipt only once.

Special service on legal persons: documents may, under certain circumstances, be served on legal persons by being sent to the company's registered address, with an advisory notice being sent to the same address on the next working day. Documents are considered to have been served two weeks after having been sent, provided that the advisory notice has been sent as prescribed.

Service by a bailiff means that a document is personally served by a person duly authorised to do so, such as a bailiff or an employee of the Swedish Police Authority, the Swedish Prosecution Authority, a court, the Swedish Enforcement Authority or a licensed service company.

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil

proceedings? If so, for which types of proceedings is this method provided for? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?

6.1 What type of electronic service within the meaning of Article 19(1) of the Service of Documents Regulation are available in this Member State where service is to be effected directly on a person, who has a known address for service in another Member State?

In the case of ordinary service, an authority may send documents by electronic means to a person who has a known address for service in another Member State in accordance with the conditions laid down in Article 19(1)(b) of the Service Regulation (see Section 6a of Ordinance (2008:808) containing provisions supplementing the EU Service Regulation). A condition for documents to be served electronically is therefore that it is not inappropriate in view of the circumstances of the case. If, for any reason, the use of electronic mail would be inappropriate, a different method must be chosen.

6.2 Has this Member State in accordance with Article 19(2) of the Service of Documents Regulation specified additional conditions under which it will accept electronic service via e-mail referred to in Article 19(1)(b) of that Regulation? See also notification under Article 19(2) of the Service of Documents Regulation.

No further conditions have been laid down.

7 'Substituted' service

7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?

Documents may be served in the following ways when the person on whom they are to be served cannot be found in person.

Service by a bailiff using 'substitute service': the document is delivered to a person other than the person sought for service, e.g. an adult member of the recipient's household or the recipient's employer. The substitute recipient must, however, always consent to receiving the document. Notification that the document has been served and of who has received it must be sent to the recipient's address.

Service by a bailiff using 'nailing': the document is left at the recipient's home, for example in a letter box, or in an appropriate place outside their home, for example on the door.

Service by publication: this is done by making the document available at the authority/court that decided to serve it while at the same time giving notice of that fact and of the document's main content in the Swedish Official Gazette (*Post- och Inrikes Tidningar*) and, if there are reasons for so doing, in a local newspaper. The document is at the same time posted to the last known address of the person sought.

7.2 If other methods are applied, when are the documents deemed to have been served?

Documents served by a bailiff using 'substitute service' are considered to have been served when they have been delivered and notification sent to the recipient.

Documents served by a bailiff using 'nailing' are considered to have been served when they have been left as described above under question 7.1.

Documents served by publication are considered to have been served two weeks after the decision to serve them in that way, provided that they have been published and other prescribed measures taken in good time (within 10 days).

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

If a document is large or it is otherwise inappropriate to send it to or leave it for the recipient, the authority may instead decide to make it available at the authority or at another place of the authority's choice for a certain period of time. The recipient must be notified of the content of that decision.

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

If the recipient refuses to receive a document served by a bailiff, the document will nonetheless be considered to have been served if it is left at the delivery address.

8 Postal service from abroad (Article 18 of the Service of Documents Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 18 of the Service of Documents Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

Documents served by post may be sent by registered mail. The document sent is made available at the post office, postal business centre or rural postal carrier's office. It must be signed for by the designated recipient or their representative on presentation of proof of identity. It is also possible for the customer of the postal service to specify that only receipt in person is accepted.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 18 of the Service of Documents Regulation, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery - see above) has been reached at the address of delivery?

If a document cannot be served by registered mail, there are no other ways of serving it by post. Other service measures, such as service by a bailiff, may be considered instead.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

Recipients of a document sent by registered mail are notified by notice sent to their home address or by SMS or email. The document normally remains at the place of delivery for 14 days from the date of arrival.

9 Is there any written proof that the document has been served?

Normally there is a receipt from the person on whom the document is to be served or a document drawn up by the authority/court or bailiff as evidence that the document has been served.

10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be

remedied) or must a new effort to serve the document be made?

Any evidence may be presented to and assessed by Swedish courts. If it can be established that a person has taken cognisance of a document, it is immaterial whether that document was served in the prescribed manner. In themselves, therefore, errors of form do not mean that the document must be served again; rather, the critical factor is whether the document has been received by its addressee.

If, on the other hand, it can be established that the person on whom the document is to be served has not received it or if the rules on service have not been followed, a judgment may potentially be set aside for procedural error or by means of what are known as extraordinary remedies if the judgment has become final.

11 If the addressee refuses to accept a document based on the language used (Article 12 of the Service of Documents Regulation) and the court or authority seised of the legal proceedings decides upon verification that the refusal was not justified, is there a specific legal remedy to challenge that decision?

Anyone who considers that a document has been improperly served on them may, in the context of the final ruling, appeal against the decision on service. If the higher court finds that the document *has* been served improperly, the proceedings may be reopened in the lower court.

12 Do I have to pay for service of a document, and if so, how much? Is there a difference where the document is to be served under domestic law and where the request for service originates from another Member State? See also notification under Article 15 of the Service of Documents Regulation, concerning service of a document from another Member State.

Where an authority is responsible for the service of documents, the costs of such service fall to the State. This means, for example, that the plaintiff in civil proceedings need not reimburse the court for the costs incurred by it in serving the writ of summons on the defendant.

Private individuals or parties wishing to serve a document on someone must themselves bear the costs of such service. The cost of engaging an employee of the Swedish Police Authority as a bailiff, for example, is SEK 1 000.

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