

Jurisdiction - Sweden

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1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Disputes in civil law are normally heard by a general court. The case must be brought before a district court ('tingsrätt') that has jurisdiction.

There are two special courts which hear certain types of civil case, namely the Labour Court ('*Arbetsdomstolen*') and the Market Court ('*Marknadsdomstolen*'). There are also certain district courts that handle specific types of case. Information about the jurisdiction of these courts may be found under [question 3 below](#).

More information about general courts may be found [here](#), and about special courts [here](#).

Some disputes in civil law are heard by bodies that are not actually courts. Using a simplified procedure in the context of summary proceedings, the enforcement authorities can require a party to make a payment or to take other steps. Decisions taken by the authorities can be challenged before a district court. Certain types of dispute involving rent or leases are heard by Rent Tribunals ('*hyresnämnder*') or Leasehold Tribunals ('*arrendenämnder*').

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Virtually all civil cases are first brought before the lowest court, the district court ('tingsrätt').

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

As a general rule, a case must be brought where the defendant is resident. A natural person is considered to be resident in the place where he or she is entered in the population register. The Swedish Tax Agency ('Skatteverket') can provide information about where a person is entered in the population register (tel: +46 (0)8 56 48 51 60). Legal persons are normally taken to be resident at the place where they have their registered office.

It may also be possible to bring a case before a Swedish court even if the person does not live in Sweden. If the defendant has no place of residence the case may be brought at the place where they are staying, or, in some cases, at the place where they last lived or stayed. In some civil disputes a case may be brought in Sweden even if the defendant is resident abroad. If they have property in Sweden or have entered into an agreement in Sweden, this will be of crucial importance to the grounds for jurisdiction.

In international cases it is important to remember that the Swedish provisions on the jurisdiction of the courts can only apply where there is Swedish jurisdiction. In most cases there is Swedish jurisdiction if a Swedish court has jurisdiction under the national provisions on the jurisdiction of the courts. It is also necessary in this context to take account of any international agreements that may apply. The most important of these for Sweden are the Brussels I Regulation, the Brussels Convention and the Lugano Convention, all of which regulate the jurisdiction of the courts if the defendant is resident in a State covered by the Regulation or Conventions. In particular, they also point out that the grounds for jurisdiction whereby an action for payment liability may be brought where the defendant has property may not be applied to a person who is resident in a Member State or a State party to the Convention.

2.2.2 Exceptions to the basic rule

2.2.2.1 *When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?*

There are a number of rules on jurisdiction whereby a case can also be brought before another court than the court in the place where the defendant lives. There are also rules on competing jurisdiction in various international agreements, such as the Brussels I Regulation and the Brussels and Lugano Conventions.

These are the most important Swedish rules on competing jurisdiction:

- Anyone who has suffered damage may bring a case at the place where the harmful act took place or where the damage occurred. In principle, this provision does not apply in the case of breach of contract. An action for damages as a result of a criminal act can be brought in connection with prosecution for the crime.
- Consumers can bring a case against a trader before their own court in consumer cases involving small amounts.
- Cases involving a payment liability under a contract can in some cases be brought at the place where the contract was entered into. On the other hand, there is no provision in Swedish law conferring jurisdiction on the court at the place where a contract is to be performed.
- A case against a trader involving a dispute which has arisen in connection with a business activity can be brought at the place of business in some cases.
- Actions involving child custody, housing and visiting rights are normally heard at the place where the child is resident (please also see the section on Parental responsibility - Sweden).
- Cases involving child support are usually brought before the court where the defendant is resident, but paternity suits, matrimonial cases and cases involving parental responsibility (custody of children and children's housing) can also be heard by another court.

2.2.2.2 *When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?*

Swedish law contains a number of rules on exclusive jurisdiction whereby the case must be brought before a particular court. There are also rules on exclusive jurisdiction in various international agreements, such as the Brussels I Regulation and the Brussels and Lugano Conventions. If a case covered by any of these rules is brought before another court than the one with exclusive jurisdiction, that court is not allowed to hear the case.

These are the most important Swedish rules on exclusive jurisdiction:

- Most property law disputes must be dealt with by the court in the place where the property is located.

- Some disputes involving property must be dealt with by a property court ('fastighetsdomstol') or by a rent or leasehold tribunal ('hyresnämnd' or 'arrendenämnd'). Again, this depends on where the property is located.
- Cases involving inheritance law must be heard by the court in the place where the deceased lived.
- Disputes concerning marriage and the division of property between spouses must be heard by the court in the place where one of the parties lives.
- Where a dispute must be heard by the Labour Court ('Arbetsdomstolen') or the Market Court ('Marknadsdomstolen'), the case cannot be brought before the general court in the defendant's place of residence.
- For most disputes involving environmental law, maritime law and intellectual property law, there are special rules which confer jurisdiction on only one court.
- Svea Court of Appeal ('Svea hovrätt') has exclusive jurisdiction to hear certain petitions involving the enforcement of decisions of foreign courts.

2.2.2.3 *Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?*

The parties can enter into an agreement whereby a dispute may or must be heard by a certain court. This is known as a jurisdiction extension agreement, and it must be made in writing. The agreement may mean that a single court has exclusive jurisdiction. It is also possible to agree that another court than the one provided for by the normal rules will have jurisdiction. The parties can also assign jurisdiction to more than one court.

In principle, the court designated by the parties as having jurisdiction is bound to accept a case brought before it. However, this does not apply if the agreement contravenes any of the rules on exclusive jurisdiction. If one of the parties asserts that the jurisdiction extension agreement is invalid, the court must also examine the assertion, with the result that it may not have jurisdiction.

A court which would not otherwise have jurisdiction can have jurisdiction if the defendant does not assert that the case is being heard by the wrong court (this is known as 'tacit prorogation'). This is not the case, however, if rules on exclusive jurisdiction apply; the court must consider this question of its own accord. However, the court will not automatically examine the question of whether the case is being brought in contravention of the main rule, the rules on competing jurisdiction or a jurisdiction extension agreement. Any assertion that the court does not have jurisdiction must be made the first time the parties make statements in the case. However, if the defendant does not make any statement at all and the court has to issue a default judgment, the court must examine the question of whether it has jurisdiction.

3 **Where specialised courts have jurisdiction how can I find out which one I have to address?**

There are two special courts that deal with civil disputes; they are the Labour Court ('Arbetsdomstolen') and the Market Court ('Marknadsdomstolen'). The Labour Court hears industrial relations disputes, i.e. disputes concerning the relationship between an employer and an employee. The Market Court hears cases involving competition and marketing law.

Certain district courts ('tingsrätter') deal with particular types of civil cases. Five of Sweden's district courts are also land and environment courts ('mark- och miljödomstolar'). These courts deal with cases covered by the Environmental Code ('miljöbalken') and cases involving expropriation and land parcelling. Maritime cases are heard by seven district courts which are maritime law courts ('sjörättsdomstolar'). There are special rules for disputes under intellectual property law, especially disputes concerning patents, which give Stockholm district court ('Stockholms tingsrätt') exclusive jurisdiction.

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