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How to bring a case to court

Sweden

1 Do I have to go to court or is there another alternative?

It might be better to use alternative dispute resolution systems, such as [mediation](#).

2 Is there any time limit to bring a court action?

In some cases there are provisions to the effect that the case must be brought within a certain period of time, otherwise it may be too late to demand payment of a debt, for example. The period of time allowed for bringing a case to court varies depending on the type of case at issue. Questions relating to the period of time for bringing a case may be answered by a legal adviser or consumer-affairs adviser, for example.

3 Should I go to a court in this Member State?

Information about the jurisdiction of the courts may be found [here](#).

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

Where you live, where the opposite party lives, and other factors may be of importance for where the case must be brought. More information may be found [here](#).

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

The nature of the case, the amount disputed and other circumstances may be of importance in determining the kind of court before which the case must be brought. More information may be found [here](#).

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Individuals are permitted to bring a case to court on their own initiative. There is thus no requirement to be represented or to have a lawyer in Sweden. There is also no lawyers' monopoly in the sense that a legal representative or counsel must be a lawyer.

To summarise, it is possible to bring a case oneself, without appointing a lawyer.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

A summons application must be submitted to the court. It may be handed in at the court secretariat, pushed through the court's letterbox or placed in its post box, handed over to a court official, or sent to the court by post.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

In Sweden, the language of the courts is Swedish. A summons application must therefore be written in Swedish. If a document has been submitted in another language, however, the court may in some cases order a party to have it translated. In some exceptional cases, the court may translate documents itself.

A summons application must be submitted in writing and signed in person. If the application is not signed in person but is submitted by fax or e-mail, for example, the court must request confirmation of the application by means of an original signed document. If no such confirmation is forthcoming, the application will be rejected.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There is no requirement to the effect that special forms must be used to bring a case. There is a summons application form for civil cases that may be used irrespective of the amount involved in the dispute in question. The form is available on the Swedish National Courts Administration ('Domstolsverket') website in [Swedish](#) and [English](#).

A summons application must contain information about the parties, a statement of claims, the basis for the claims, information concerning the evidence being relied upon and what each piece of evidence is to prove, and information about the circumstances that render the court competent to hear the case.

Written evidence that is relied upon should be submitted together with the application.

If an application is incomplete, the court must request additional information. If such additional information is not forthcoming, the application will be rejected.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Applicants must pay an application fee for applications in civil cases. The fee is paid to the district court ('tingsrätt') when the application is submitted. The application fee is currently SEK 450 (approximately EUR 50). If the application fee is not paid, the court sends the applicant an order to fulfil the payment obligation. If the payment is not made despite this, the application will be rejected.

Questions concerning payment for lawyers' costs are a matter to be settled between the client and the lawyer. This is customary both in terms of requests for advance payment and in terms of subsequent invoicing for the work that has been done. There are special rules for cases where legal aid has been granted.

11 Can I claim legal aid?

Information may be found [here](#).

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

In Sweden, a case is regarded as having been brought on the date when the summons application arrives at the court. A summons application is regarded as having arrived at the court on the date when the documents or notification of a paid postal item containing the documents arrives at the court or reaches a duly authorised official.

If it can be assumed that the documents, or notification of them, were handed in at the court secretariat or separated out for the court at the post office on a certain date, they are regarded as having arrived on that date if they reached a duly authorised official on the next working day.

No confirmation is issued automatically to the effect that the case is regarded as having been brought properly. Information about this may, however, be obtained through contact with the court, for example by telephone.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

According to the provisions of the Swedish Code of Judicial Procedure ('rättegångsbalken'), the court should prepare a schedule for dealing with the case as quickly as possible. There may, however, be some cases where there is no point in preparing a schedule. In most cases, there is little basis for preparing a schedule until a statement of defence has been received.

It is always possible to obtain information about the ongoing handling of the case through contact with the court, for example by telephone.

Links

Ministry of Justice (Justitiedepartementet)
Swedish National Courts Administration (Domstolsverket)
Swedish National Tax Board (Riksskatteverket)

Last update: 24/04/2014

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