

**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 handed over to the person sought and that there is evidence that he or she has received the document or that the rules of the Service of Process Act (*delgivningslagen*) have been followed. The reasons for having rules on service include the fact that courts should be able to rely upon a document reaching the person to whom it is addressed.

**2 Which documents need to be served formally?**

Service must be used if it is specifically prescribed or if an information-related provision states that it should take place given the aims of the provision in question; otherwise, it must only be used where necessary and giving due consideration to the circumstances. An example of a specific prescription in law meaning that documents must be served is when a writ of summons must be served on the defendant in a civil case.

**3 Who is responsible for serving a document?**

It is most often the authority/court that ensures documents are served. It may happen, however, that the authority/court allows a party who so requests to ensure that service takes place (service by a party). A prerequisite for service by a party is that such service is not inappropriate.

**4 Address inquiries****4.1 Under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, 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 addressee no longer resides at the address known to the requesting authority?**

The requested authority searches for new address details for the recipient on its own initiative if the recipient has moved from the address given in the summons.

**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?**

Anyone at all may contact the Swedish Tax Agency (*Skatteverket*), which keeps a population register of who lives in Sweden and where they live. There is no special, formal procedure for obtaining access to this information. One could, for example, call the Swedish Tax Agency's customer services team on + 46 8 564 851 60. More information can be found on the Agency's website at

<https://www.skatteverket.se/servicelankar/otherlanguages/inenglish.4.12815e4f14a62bc048f4edc.html>. It does not cost anything to obtain information from the population register.

**4.3 How do the authorities in this Member State deal with a request sent under the Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters aimed at discovering a person's current address?**

It appears doubtful that an address search for the service of documents could be treated as the taking of evidence. This is, however, a matter for the requested court to decide; as far as is known, no such request has been examined.

**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 (**standard service**). The letter is accompanied by a service receipt, which the person sought is asked to sign and return.

Alternative service methods (in addition to substituted service) are service by telephone, simplified service, and service by a bailiff.

**Service by telephone** means that the content of the document that is to be served is read out over the telephone to the person on whom it is to be served, and the document is subsequently posted to him/her. No proof of receipt is required for service by telephone. The document is regarded as having been served once its content has been read out.

**Simplified service** is done by posting the document to the last known address of the person sought and then sending an advisory notice to the same address on the next working day, stating that the document has been sent. No proof of receipt is required for simplified service. The document is regarded as having been served two weeks after it was sent, provided that the advisory notice was sent as prescribed. Simplified service may only be used if the person sought has been informed that simplified service may be used in the case or matter in question. In practice, this means for example that a party to a case only needs to be served a document once with proof of receipt.

**Special service for legal persons:** Legal persons may, under certain conditions, be served through the sending of a document to the company's registered address and the sending of an advisory notice to the same address on the next working day. The document is regarded as having been served two weeks after it was sent, provided that the advisory notice was sent as prescribed.

**Service by a bailiff** means that a document is served in person via a person duly authorised for executing such service, i.e. a bailiff or an employee of the Swedish Police Authority (*Polismyndigheten*), the Swedish Prosecution Authority (*Åklagarmyndigheten*), the court, the Swedish Enforcement Authority (*Kronofogdemyndigheten*), 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 foreseen? 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.)?**

Electronic service is only permitted where the authorities/courts have to serve a document on someone by means of standard service.

**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 the document is to be served cannot be found in person.

Service by a bailiff using 'surrogate' service: The document is sent to someone other than the person sought for service. For example, this could be an adult member of the recipient's household or the recipient's employer. The surrogate recipient must always, however, consent to receiving the document. Notice of the fact that a document has been served and of who received the document 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 letterbox, or in an appropriate place at the home, for example on the door.

Service by notice: This is done by keeping the document available at the authority/court that decided upon service, while simultaneously publishing notice of this and of the document's primary contents in the Official Swedish Gazette (*Post- och Inrikes Tidningar*) and, if there are reasons for doing so, in the local newspaper. The document is simultaneously 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?**

When a bailiff serves a document using 'surrogate' service, the document has been served when it has been handed over and notice has been sent to the recipient.

When a bailiff serves a document using 'nailing', the document has been served when it has been left as described under question 7.1.

A document has been served by notice once two weeks have passed from the date of the decision to the effect that the document is to be served by notice, provided that the notice has been given and other prescribed measures have been taken in a timely manner (within ten 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 too big or otherwise unsuitable for sending to or leaving for the recipient, the authority may instead decide to keep it available at the authority in question or at another place of its choosing for a certain period of time. The recipient must be provided with notice of the content of such a 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 none the less be regarded as having been served if it is left at the scene.

### **8 Postal service from abroad (Article 14 of the Service 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 14 of the Service 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?**

A document may be served by post if it is sent by registered post. The item is made available by the post office, postal business centres and postal delivery workers, and must be signed for by the person designated as the recipient of the served document or by that person's representative; proof of identity must also be shown. It is also possible for the party ordering the postal service to specify that only receipt in person is to be accepted.

#### **8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 14 of the Service Regulation No. 1393/2007, 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 service by registered post is unsuccessful, there are no other possibilities available for attempting to serve documents by post. Other service measures may be considered instead, such as service by a bailiff, for example.

#### **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?**

The recipient of a document sent by registered post is informed of it by a notice sent to the recipient's home address, or by SMS or e-mail. The item usually remains where it has been left for a period of 14 days from the date of its arrival.

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

There is usually a receipt from the person on whom the document is served, or a document drawn up by the authority/court as evidence that the document has been served by telephone, surrogate or nailing.

#### **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?**

There is freedom to submit evidence and have it examined by Swedish courts. If it can be proven that a person has had sight of a document, the question of whether that document was served as prescribed is immaterial. Therefore, any formal errors do not in themselves mean that the document must be served again; rather, the crucial factor is whether the document has reached the person to whom it is addressed.

If, on the other hand, it can be proven that the person on whom the document is served has not received it or if the rules governing the service of documents have not been followed, a ruling may potentially be set aside by means of what is known as extraordinary legal remedy.

### **11 Do I have to pay for service of a document, and if so, how much?**

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.

If an individual person or party wishes to serve a document on someone, he/she must bear the costs of such service. By way of example, the cost of engaging an employee of the Swedish Police Authority as a bailiff is SEK 1 000.

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