



Sweden: implementation of the Representative Actions Directive

Representative Actions Act (LGK) and Group Court Procedures Act (LGR), in force 1 January 2024

Sweden implemented the Directive by enacting the Representative Actions Act (LGK), effective from 1 January 2024, alongside supporting regulatory measures. This statute forms part of an integrated legislative framework. Whilst the LGK establishes the substantive framework for collective consumer proceedings, procedural rules governing court-based redress claims are contained in the pre-existing Group Court Procedures Act (LGR), originally enacted in 2002. The implementation therefore applies new substantive provisions to the established procedure.

Swedish law separates representative proceedings into two alternative institutional routes. For injunctive relief alone, qualified entities may petition administrative agencies pursuant to LGK Section 18, with each agency holding jurisdiction over designated subject matter areas. For both injunctive and redress remedies, entities may instead pursue judicial proceedings under LGK Sections 19 and 22. Jurisdiction varies according to the nature of the claim: ordinary civil courts generally handle redress matters, save where damages arise from infringements of Swedish marketing legislation, in which case the Patent and Market Court has jurisdiction. For injunctive relief, the Patent and Market Court is the primary forum, with the Administrative Court in Stockholm serving as an alternative venue in certain broadcasting, on-demand and video-sharing platform matters. Qualified entities are free to choose between the administrative and judicial routes. Administrative authorities are restricted to national jurisdiction, whereas courts are capable of addressing cross-border disputes. The Swedish Consumer Agency holds statutory designation as a qualified entity authorised to pursue administrative proceedings, pursuant to implementing ordinance FIKV as modified by ordinance FäFiKV. Responsibility for evaluating and approving other qualified entities under the LGK falls to the Legal, Financial and Administrative Services Agency (Kammarkollegiet), specified by an ordinance.

For official texts:

https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2023730-om-grupptalan-till-skydd-for_sfs-2023-730/#top (LGK, SFS 2023:730); https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2002599-om-grupprattegang_sfs-2002-599/ (LGR, SFS 2002:599)

Amy Adams

Maria José Azar-Baud

Un regard comparatiste et pluridisciplinaire

Founder: Maria José Azar-Baud

<https://observatoireactionsdegroupe.com/>