



Government Offices of Sweden

Stockholm, 25 November 2022

Ministry for Foreign Affairs

Action Plan

Case of Centrum för Rättvisa v. Sweden (Application 35252/08), Judgment of 25 May 2021, final on the same day

The Government submitted an Action Plan on 25 November 2021, and another Action Plan on 25 May 2022. The Government hereby submits a third Action Plan.

Case Summary

The case concerns the proportionality and safeguards of the Swedish legislation regulating signals intelligence, and the Court found that there had been a violation of Article 8 of the Convention.

The Court found in particular that although the main features of the Swedish signals intelligence regime met the Convention requirements on quality of law, the regime nevertheless suffered from three shortcomings: the absence of a clear rule on destroying intercepted material which did not contain personal data; the absence of a requirement in the Signals Intelligence Act or other relevant legislation that, when deciding to transmit intelligence material to foreign partners, consideration was given to the privacy interests of individuals; and the absence of an effective *ex post facto* review. With regard to the latter, the Court also highlighted the structural nature of the problem (§§ 359–360).

Individual measures

The just satisfaction awarded (EUR 52 625) has been paid and proof of payment has been submitted (see the Government's Action Plans dated 25 November 2021 and 25 May 2022). In view of this, and as also noted by the Department for the Execution of Judgments of the ECHR, there are no further individual measures to be taken in this case.

General measures

As stated in its previous Action Plans, the Government has found it appropriate to evaluate whether any further general measures, including possible amendments of the domestic legislation, are required in order to fully execute the Court's judgment. To that end, on 14 July 2022 the Government appointed an Inquiry entitled *Översyn av lagen om signalspaning i försvarsunderrättelseverksamhet (Dir. 2022:120)*.¹ One of the shortcomings identified by the Court has already been partly remedied by a new legal provision which entered into force on 1 January 2022 (*the Act on Personal Data Processing at the National Defence Radio Establishment*, SFS 2021:1172, Govt Bill. 2020/21:224). The Act concerns the transfer of personal data to a recipient abroad. However, further analysis is needed in order to determine how the remaining shortcomings can be remedied.

The Inquiry is tasked with reviewing the Signals Intelligence Act. The purpose of the review is to ensure a modern and appropriate regulation established to consider technical and international developments. The review is also to take security and defence-related considerations into account, as well as the protection of personal integrity. One of the Inquiry's tasks is to highlight the shortcomings pointed out in the judgment and analyse the measures required to remedy them. The Inquiry is to propose those legislative amendments it deems necessary. The Inquiry will be assisted by a reference group with Parliamentarians.

The Inquiry is to submit a first interim report on the issues related to the Court's judgment and international cooperation within the area of signals intelligence, including proposals for amended legislation, by 1 April 2023 at the latest. The final report is to be submitted by 1 April 2024. As mentioned in the previous Action Plan, the estimated time period for an Inquiry, followed by consultation on the Inquiry's proposals with various Swedish authorities and organisations, a

¹ The terms of reference are available at [Översyn av lagen om signalspaning i försvarsunderrättelseverksamhet - Regeringen.se](https://www.regeringen.se/ovarsyn-av-lagen-om-signalspaning-i-forsvarsunderrattelseverksamhet) (Swedish only).

Government Bill to the Swedish Parliament and a decision on amended legislation, is approximately two years in total.

Publication and dissemination

As stated in its previous Action Plans, the Government has distributed a report containing a summary of the judgment in Swedish, and with a copy of the judgment attached, to the relevant authorities and courts, and the judgment in English and a summary in Swedish have been published.

The Government's conclusion

The Government considers that all necessary **individual measures** in view of the Court's judgment in the present case have been taken. As regards **general measures**, the Government will submit updated information in its next Action Plan to the Committee of Ministers, at the latest on 25 May 2023.
