



Government Offices of Sweden

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SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

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, another Action Plan on 25 May 2022, and a third Action Plan on 25 November 2022. The Government hereby submits a fourth Action Plan, with updated information regarding the general measures.

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, 25 May 2022 and 25 November 2022).

The Government considers that no further individual measures are required.

General measures

As described in the latest Action Plan, the Government has appointed an Inquiry entitled *Översyn av lagen om signalspaning i försvarsunderrättelseverksamhet (Dir. 2022:120)*.¹ The Inquiry is tasked with reviewing the Signals Intelligence Act. The purpose of the review is to ensure modern and appropriate regulations that take account of technical and international developments. The review is also to take account of security and defence-related considerations, as well as 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 any legislative amendments it deems necessary.

While the Government is fully committed to ensuring a prompt and effective execution of the Court's judgment, the review raises complex legal issues. Because of this, on 23 February 2023 the Government decided on supplementary terms of reference (*Dir. 2023:29*), which means that the Inquiry will be extended by five months.²

Under the new timetable, 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 September 2023 at the latest. The final report is to be submitted by 1 September 2024 at the latest. As mentioned in the previous Action Plans, an Inquiry report will be followed by consultation on the Inquiry's proposals with various Swedish authorities and organisations, a Government Bill to the Swedish Parliament and a decision on amended legislation.

¹ The terms of reference are available at [Översyn av lagen om signalspaning i försvarsunderrättelseverksamhet - Regeringen.se](https://www.regeringen.se/491099/1/2022-12-01-oversyn-av-lagen-om-signalspaning-i-forsvarsunderrattelseverksamhet) (Swedish only).

² The supplementary terms of reference are available at [Tilläggsdirektiv till Utredningen om en översyn av lagen om signalspaning i försvarsunderrättelseverksamhet - Regeringen.se](https://www.regeringen.se/491099/1/2023-02-23-tillaggsdirektiv-till-utredningen-om-en-oversyn-av-lagen-om-signalspaning-i-forsvarsunderrattelseverksamhet) (Swedish only).

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

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 continue to keep the Committee of Ministers informed about the development of the legislative process and will submit updated information in its next Action Plan to the Committee, at the latest on 25 November 2023. The Government remains at the Committee's disposal for any questions.
