

Sports and safety inside and outside the stadium Legal challenges

IBLC/ Sports Law Subcommittee

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National Report of Sweden

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1. General Safety Aspects

1.1 What is the legal framework applicable to the general safety aspects of big sports events in your country (prevention of violence, access and behavior inside the venues)?

The Swedish Penal Code (1962:700) contains provisions on most of the acts that constitute crimes in Sweden. It also contains general provisions on all crimes, the sanctions for crimes and the applicability of Swedish law. The Penal Code e.g. contains provisions regarding crimes against public order and crimes against life and health which are applicable in relation violence and unwanted behavior during big sports events.

In addition to the provisions of the Penal Code there are other laws that should be mentioned in relation to big sports events. The Act (2005:321) Regarding Refusal of Access to Sporting Events allows a prosecutor to decide that an individual shall be refused access to sporting events if the individual is likely to commit crimes during sporting events and the purpose of such crimes is to disturb the order or safety of the event.

According to the Order Act (1993:1617) an organizer of a big sports event is responsible to uphold order during the event. The act also prohibits the use of pyrotechnics during sports events without the permission of the police authorities. Furthermore, the act prohibits the audience to enter areas intended for the athletes (e.g. the football field) and to throw objects into such areas.

1.2 Are there any legal regulations applicable to specific sports or events?

No

1.3 Who is responsible for the enforcement of the relevant legal provisions during the event (owner of the facilities, promoter, organizer, police ...)?

The police are responsible for enforcing the legal provisions during an event. However, the police may issue terms with which an organizer must comply in order to arrange an event. Such terms may include an obligation to hire personnel (e.g. guards) and/or take other measures in order to uphold order and safety during the event. The terms may, however, not lead to unnecessary costs for the organizer or otherwise make it unnecessarily difficult to arrange the event.

1.4 What are the competent authorities as regards the enforcement of the relevant legal provisions?

The police/the prosecution authority

2. Insurance Coverage

2.1 Are there specific legal provisions applicable to the insurance coverage of big sports events in your country?

No

2.2 What is the mandatory insurance coverage to be contracted as regards the celebration of big sports events? What are the minimum risks to be covered according to law?

Not applicable since there is no mandatory insurance coverage to be contracted as regards the celebration of big sports events.

2.3 Who is legally bound to contract the relevant insurance policies in connection with big sports events?

Not applicable since there is no mandatory insurance coverage to be contracted as regards the celebration of big sports events.

3. Organizers: Potential Liabilities

3.1 What are the potential liabilities that might be faced in connection with big sports events (civil, administrative, criminal liabilities) and by whom?

The organizer of a sports event risk criminal liability if he/she acts in breach of certain provisions of the Order Act or terms issued thereunder. The penalty for such a breach is a fine or imprisonment up to six months. Furthermore, revenues from entrance fees may in certain cases be declared forfeited.

If the organizer fails to comply with certain application/notification procedures or terms issued by the police, the organizer will be obligated to pay the police authority's costs for upholding order and safety during the sports event to the extent such costs were caused by the negligence of the organizer. Prior to 2014 there was a general obligation for profit seeking organization that arranged sports events to pay the police authority's costs. This obligation was heavily criticized and widely debated in Sweden.

The organizer also risks contractual liability in relation to the owner of the facilities (depending on the contents of the relevant contract). In theory the organizer could also be liable to compensate a person or a business who suffers damages due to a crime committed by the organizer's employees in their line of duty, e.g. a breach of the Order Act by one of the Organizer's employees. There would, however, need to be a clear connection between the crime committed and the damage suffered in order for a court to even consider awarding such compensation.

The owner of the facility can be liable to pay compensation/fines if the facility does not comply with e.g. applicable fire prevention legislation. Furthermore, the

company that built the facility can liable to pay compensation/fines due to inadequate construction work.

3.2 Distribution of liability: is it possible to distinguish liabilities arising from sports events to an extent where each of the involved parties is held liable only for damage resulting from some specific risks or situations?

Yes, the involved parties are held liable for their own acts and omissions.

3.3 On the contrary, might someone be held liable for any damage occurred during the celebration of some sports event (owner of the facilities, promoter, organizer, police ...)?

No.

3.4 As an attendee, what legal action may I take in case of suffering damage on the game day? Against whom?

If the damage is a result of the organizer's breach of contract the attendee could sue the organizer for breach of contract.

If the damage is a result of the criminal or negligent behavior of another attendee (e.g. a hooligan), the attendee, suffering damage, could sue the other attendee for compensation under the Swedish Tort Liability Act (1972:207).

If the damage is a result of inadequate construction work the attendee could sue the company that built the facility for negligence under the Swedish Tort Liability Act. Furthermore, the attendee could sue the owner of the facility if it suffered damages due to the owner's inability to comply with applicable safety regulations, e.g. applicable fire prevention legislation.