

1 Legislative text

The government proposes the following legislative text.

1.1 Draft Act on the Removal of Online Recruitment Content

The following is hereby laid down.

Scope of the Act

Section 1 This Act regulates the conditions for removing content aimed at recruiting individuals to commit criminal offences.

Section 2 The Act applies to recruitment content that is disseminated to the public online.

‘Recruitment content’ means content which can reasonably be assumed to form part of

1. preparation or conspiracy to commit a criminal offence punishable by a term of imprisonment of two years or more, or
2. involvement of a minor in crime pursuant to Chapter 16, Section 5a of the Swedish Penal Code.

Section 3 The Act shall apply only to recruitment content which:

1. is addressed to Swedish citizens or persons domiciled in Sweden;
2. is made available by a person located in Sweden; or
3. refers to criminal offences to be committed in Sweden or against a Swedish citizen or a person resident in Sweden.

Section 4 This Act does not apply to content covered by Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online.

Injunction to remove recruitment content

Section 5 The authority designated by the Government (the competent authority) may order a hosting service provider to remove recruitment content or render it inaccessible.

‘Hosting service provider’ means a provider of hosting services covered by Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (the Digital Services Act).

A decision on an injunction takes effect immediately, unless otherwise decided.

Section 6 The injunction must comply with the requirements set out in Article 9(2) of the Digital Services Act.

Article 9 of the Digital Services Act sets out the procedure to be followed following the adoption of such an injunction.

Section 7 The hosting service provider receiving an injunction shall remove the recruitment content or disable access to it as soon as possible and at the latest within one hour of receipt of the injunction.

If making content inaccessible in one or more states is sufficient, the competent authority shall indicate it in the injunction.

Retention of recruitment content

Section 8 A hosting service provider shall retain the recruitment content, and associated data, that has been removed or rendered inaccessible as a result of an injunction.

Recruitment content and associated data must be retained for six months from the date on which the content is removed or rendered inaccessible. If the injunction to remove recruitment content has been appealed, the material shall be retained until the case has been settled by a decision which has acquired the force of res judicata.

Pecuniary penalties

Section 9 The competent authority may decide to impose an administrative fine on a hosting service provider that breaches any of its obligations under Sections 7 and 8.

Section 10 The administrative fine shall be set at a minimum of SEK 5 000 and a maximum of SEK 5 000 000 or, in the event of a systematic or ongoing failure to fulfil the obligation under Section 7, up to a higher amount corresponding to four per cent of the supplier's global turnover in the immediately preceding financial year.

If a breach that could result in an administrative fine exceeding SEK 5 000 000 has occurred during the supplier's first financial year, or if information regarding turnover is otherwise missing or incomplete, the turnover may be estimated.

Section 11 The pecuniary penalty may be reduced in whole or in part if the violation is minor or excusable, or if it would otherwise be unreasonable to charge the penalty in view of the circumstances.

Section 12 A fine may be imposed only if the person on which the fine will be levied has been given the opportunity to comment within two years of the infringement.

A decision imposing a fine shall be notified.

Payment of the pecuniary penalties

Section 13 A pecuniary penalty shall be paid to the competent authority within 30 days of the decision to levy the penalty having become final or within the longer period specified in the decision.

The pecuniary penalty accrues to the State.

Section 14 A pecuniary penalty shall lapse to the extent that the decision on the fee has not been executed within five years of the date on which the decision became final.

Appeals

Section 15 The decisions made by the competent authority under this Act may be appealed to the general administrative court.

Leave to appeal is required when appealing to the Administrative Court of Appeal.

Right to issue regulations

Section 16 The Government or the authority designated by the Government may issue further regulations concerning the duty to provide information under Article 9(5) of the Digital Services Regulation.

This Act shall enter into force on X.