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Completed self-assessment checklists should be sent to:

Corruption and Economic Crime Section
Division for Treaty Affairs
United Nations Office on Drugs and Crime
Vienna International Centre
PO Box 500
1400 Vienna, Austria

Attn: KAMBERSKA Natasha

Telephone: + (43) (1) 26060-4293
Telefax: + (43) (1) 26060-74293
E-mail: uncacselfassessment@unodc.org

A. General information

A. General information

1. General information

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1 Focal point:

Erika Goldkuhl
Deputy Director
+46 (0)8-405 32 84
erika.goldkuhl@gov.se

2 Institutions consulted:

Authorities and NGO's, see the answers below.

3 Please provide information on the ratification/acceptance/approval/accesion process of the United Nations Convention against Corruption in your country (date of ratification/acceptance/approval of/accesion to the Convention, date of entry into force of the Convention in your country, procedure to be followed for ratification/acceptance/approval of/accesion to international conventions etc.).

Sweden signed the United Nations Convention against Corruption (UNCAC) during the High-level Political Conference in Mérida, Mexico, on 9 December 2003. Sweden deposited its instrument of ratification with the Secretary-General on 25 September 2007.

Prior ratification the Ministry of Justice made an assessment of whether the legislation in Sweden was in compliance with the obligations under the Convention, and came to the conclusion that no amendments were necessary. The Government presented a government bill to the Parliament on 8 March 2007, proposing that Sweden should ratify the United Nations Convention Against Corruption. The Parliament approved the Governments proposal.

4 Please briefly describe the legal and institutional system of your country.

In Sweden, the sources of law consist mainly of statutes, case law and preparatory works on proposed laws. According to established legal tradition, explanations in the preparatory works are regarded as a reliable source of clarification of legal texts, very much in the same way as case law.

The relationship between national and international law is dualistic in the Swedish legal system. International agreements need to be implemented in order to be applied by the courts and other bodies.

The anti-corruption legal framework in Sweden consists of provisions in both the Criminal Code, the Code of Judicial Procedure and legislation on international

judicial cooperation in criminal matters, as well as in other specific acts, e.g. the Police Act.

Sweden has put in place a robust institutional framework to address corruption. To provide the Swedish Prosecution Office with specialist competence, a special public prosecution office - the National Anti-Corruption Unit (NACU; in Swedish: Riksenheten mot korruption) - is tasked with administering investigations regarding crimes of corruption. To provide NACU with additional support and investigative resources, a national corruption group - the National Anti-Corruption Police Unit (NACPU; in Swedish: Nationella Anti-korruptionsgruppen) was founded within the Police Authority in 2012.

- 5 In a separate communication addressed and e-mailed to the secretariat (uncac.cop@unodc.org), please provide a list of relevant laws, policies and/or other measures that are cited in the responses to the self-assessment checklist along with, if available online, a hyperlink to each document and, if available, summaries of such documents. For those documents not available online, please include the texts of those documents and, if available, summaries thereof in an attachment to the e-mail. If available, please also provide a link to, or the texts of, any versions of these documents in other official languages of the United Nations (Arabic, Chinese, English, French, Russian or Spanish). Please revert to this question after finishing your self-assessment to ensure that all legislation, policies and/or other measures you have cited are included in the list.**
- 6 Please provide a hyperlink to or copy of any available assessments of measures to combat corruption and mechanisms to review the implementation of such measures taken by your country that you wish to share as good practices.**

FATF-reports

<http://www.fatf-gafi.org/publications/mutualevaluations/documents/mer-sweden-2017.html>

<http://www.fatf-gafi.org/publications/mutualevaluations/documents/fur-sweden-2018.html>

Greco- report

Sent to uncac.cop@unodc.org

OECD-reports

Sent to uncac.cop@unodc.org

- 7 Please provide the relevant information regarding the preparation of your responses to the self-assessment checklist.**

Several divisions at different ministries at the Government Offices have been involved in completing the checklist. In some cases, authorities and NGO's have assisted with information. The sources of information used are e.g. statutes, case law, preparatory works, reports and statistics from public sources.

- 8 Please describe three practices that you consider to be good practices in the implementation of the chapters of the Convention that are under review.**

Before ratifying the Convention, the Swedish legal framework was compared with the provisions of the Convention. The assessment was made that Sweden already met the requirements of the Convention. Thus, Sweden has not implemented the provisions in a certain way.

- 9 Please describe (cite and summarize) the measures/steps, if any, your country needs to take, together with the related time frame, to ensure full compliance with the chapters of the Convention that are under review, and specifically indicate to which articles of the Convention such measures would relate.**

Sweden is already in compliance with chapter 2 and 5 of the Convention.

II. Preventive measures

5. Preventive anti-corruption policies and practices

2. Paragraph 1 of article 5

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden meets the general requirements formulated in article 5, paragraph 1. There is a continuous work on developing and adapting rules and regulations in order to comply with international agreements, to uphold good governance and maintain trust in public institutions.

There is no national anti-corruption Strategy in Sweden and there is no single agency responsible for all anti-corruption work done in the public sector. Much of the anti-corruption work are decentralized to the government agencies. There are general law and regulations that agencies must comply with that aims at maintaining good governance. The anti-corruptions policies that you can find are often designed by the agencies to meet specific needs, activities and objectives at that agency.

There is however something that is called the Common basic values for government employees. These values are based on central legal principles found in the Swedish constitution. They create a common value based platform for all central government employee. Each government agency has the responsibility to raise awareness about these values to establish good governance and a culture of integrity that prevents corruption.

Violations of the common basic values does not have to be criminal actions. However, violations can hurt the agency in different ways, for example distrust in a specific agency or the public administration as a whole. These kinds of violations are often followed by disciplinary measures taken by the agency itself. If there are suspicion of criminal activities the agency should report to the police for further investigation.

Municipalities and county councils are responsible for the anti-corruption work on a local and regional level. This follows a rather strong tradition of local self-governance in Sweden. This mean that some of the work done on a national level, by government agencies, don't include municipalities and county councils. For example, the common basic values for government employees are not targeted at municipalities and county councils and the work done by The Swedish Agency for Public Management, to promote a sound administrative culture, are focused on government agencies. However, the Swedish Association of Local Authorities and Regions (SALAR) plays an important role in supporting local and regional authorities in their work on corruption (see section 6.1 for more information about SALAR).

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1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

There are many reports, evaluations and handbooks dealing with corruption and corruption risks, from different perspectives. These are an important source of knowledge for government agencies strengthening their work against corruption. Here are a selection of reports, evaluations and handbooks (in original language) from seven different government agencies. (Some of them are available in English, emailed to uncac.cop@unodc.org according to question 3 under General information.)

Värdegrundsdelegationen (Council of Basic Values)

- Common basic values for central government employees - a summary (2014)
- A Culture that counteracts corruption (2015)

Statskontoret (The Swedish Agency for Public Management)

- Köpta relationer. Om korruption i det kommunala Sverige (2012)
- Utvärdering av projektet Offentligt etos (2014)
- Myndigheternas arbete för att förebygga och upptäcka korruption. (2015)
- Ledarskapets betydelse för en god förvaltningskultur i staten (2017)
- Statens fastighetsverks arbete med en god förvaltningskultur (2017)
- Ett stärkt arbete mot korruption och andra oegentligheter i statsförvaltningen (2017)
- En kultur mot korruption (2018)

Ekonomistyrningsverket (The Swedish National Financial Management Authority)

- Oegentligheter och intern styrning och kontroll (2016)

Brottsförebyggande rådet (The Swedish National Council for Crime Prevention)

- Korruptionens struktur i Sverige (2007)
- Den anmälda korruptionen i Sverige (2013)
- Korruption i Myndighetssverige. (2014)
- Att förebygga och hantera påverkansförsök. (2017)

Upphandlingsmyndigheten (The National Agency for Public Procurement)

- Korruption i offentlig upphandling - vad är det och hur kan det förebyggas? (2017)

Konkurrensverket (The Swedish Competition Authority)

- Korruption som begränsar konkurrensen (2018)

Expertgruppen för studier i offentlig ekonomi (The Expert Group on Public Economics, ESO)

- Allmän nytta eller egen vinning? En ESO-rapport om korruption på svenska (2013)

3. Paragraph 2 of article 5

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden is in compliance with this article. It is a continuous work done to strengthening the anti-corruption work in public sector.

During the last 20 years the work on good governance, strengthening of public administration and its officials has been organized in different ways. In 2013 a council was tasked by the government to promote and strengthen the work on basic values in central government administration and to support government agencies in their work on basic values and promote a culture of integrity. The Council on Basic Values in the Government Offices finished their work in December 2016 and the Swedish Agency for Public Management were commissioned to continue the work done by the council.

The Swedish Agency for Public Management were commissioned to coordinate and promote a sound administrative culture and good governance. Coordination is important since several agencies contribute to the work but in their field of expertise, e.g. questions concerning corruption risks in procurement are handled by the Swedish Agency for Public Procurement.

The Swedish Agency for Public Management plays an important role in supporting all government agencies with different tools. For example, handbooks on how to deal with corruption, training of managers and web-based education. There is also a network against corruption where agencies can exchange experience in these matters and learn from good practices.

To strengthen the common basic values in all agencies and to promote good governance and a culture of integrity the government wants to create a common introductory training for all government employee. In 2018 the government assigned a delegation to analyze existing introductory training for government employees and to propose how and when a common, compulsory introductory training for government employees can be introduced. The delegation will submit their proposals in May 2020.

The Swedish Association of Local Authorities and Regions (SALAR) plays an important role in supporting local and regional authorities in their work on corruption. SALAR has developed materials to promote the anti-corruption work on a local and regional level. They have produced handbooks and web-based education and training. In 2019 SALAR started a network against corruption for municipalities and county councils that wants to strengthen their work and learn from good practices.

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1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

See the answers under article 5.1.3 and 5.3.

4. Paragraph 3 of article 5

3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

There are no evaluations done periodically on corruption risk or anti-corruption work done by government agencies. Rather these are made when specific needs arise or due to incidents which places issues of corruption on the agenda.

When there is a need of looking into questions regarding corruption and anti-corruption measures, it is common that one or several agencies are commissioned to do specific tasks, to carry out research or necessary knowledge building to deal with a specific issue. A rather common situation is when the Swedish National Audit Office recommends the Swedish Government to take certain actions to deal with a problem, the Government then assign an agency to investigate these matters and suggest how to deal with these issues in an effective way. After that, the Government can consider what action should be taken to address the initial problem stated by the National Audit Office.

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1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

As part of their parliamentary control of the central government, The Swedish National Audit Office (NAO) has done several audits that deals with corruption in one way or another. In 2006 the main focus for the audit was State-owned companies and a few large agencies. The Swedish NAO concluded that the Government's rules and directives on the duty of management to protect the State against corruption were unclear or did not exist. In 2013 the audit was wider and focus on a large group of agencies. The Swedish NAO concluded among other things that the anti-corruption work done by the government agencies was insufficient and that too few agencies had analyzed the risk of corruption. The audit also made clear that the work on shared values has rarely addressed corruption-related issues and can only indirectly be said to strengthen agencies' resistance to corruption.

Most of the proposal made by the Swedish NAO has been considered or has led to measures being taken by the government.

A selection of audit reports made by the Swedish NAO:

2006: Protection against corruption in government activities.

2013: Protecting central government agencies against corruption.

2018: Protection against fraud in migration activities at missions abroad.

2019: Purchasing on objective grounds - protection for government agencies against related-party transactions that undermine trust.

It is also worth mentioning that 69 agencies out of about 250 agencies in total have their own internal audit. These 69 agencies comprise 90 percent of the state budget. The work done by the intern audit are regulated by a government ordinance. The work is based on international standards to make sure that risk management and internal controls are functioning properly and as a result of that, the risk of corruption can me minimized.

The evaluation of corruption risks at the local and regional level are rather rare in Sweden. Last time it was done was in 2011 and 2012 where the Swedish Agency for Public Management analyzed corruption and corruption-risks at the local and regional level. This led to several measures being most taken care of by The Swedish Association of Local Authorities and Regions.

5. Paragraph 4 of article 5

4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden has been involved and engaged in different international collaborations for a long time. The same applies for the work on anti-corruption. Due to that, there is no recent and specific action taken to comply with article 5, paragraph 4.

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1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

First of all, since Sweden is a member of the European union EU law and directives become part of Swedish law. In 2018 the European Commission proposed a new law to strengthen whistleblower protection across the EU. In 2019 the act was passed by the European parliament. As a result of this, the government appointed an inquiry with the mission to see what kind of legislation that would be necessary for Sweden to fully comply with these new rules.

Since 1961 Sweden is member of OECD. Within that cooperation Sweden is active in various working groups dealing with corruption. In 2003 Sweden also ratified the UN Convention against Corruption. Sweden has also acceded to the Council of Europe's conventions on corruption and is member of The Group of States against Corruption (GRECO).

Sweden has been reviewed several times by OECD and GRECO. The OECD Working Group on Bribery has since 2012 repeatedly urged Sweden to reform its laws to ensure the investigation and prosecution of companies that bribe foreign public officials to obtain advantages in international business. GRECO has launched five evaluation rounds dealing with specific provisions of the Twenty Guiding Principles. They include:

- independence, specialization and means available to national bodies engaged in the prevention and fight against corruption
- extent and scope of immunities
- identification, seizure and confiscation of corruption proceeds
- public administration and corruption (auditing systems; conflicts of interest)
- efficiency and transparency with regard to corruption
- prevention of legal persons being used as shields for corruption
- tax and financial legislation to counter corruption
- links between corruption, organised crime and money laundering
- etc.

GRECO's Fifth Evaluation Round was officially launched on 20 March 2017. It deals with corruption prevention and the promotion of integrity in central governments.

6. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

6. Preventive anti-corruption body or bodies

7. Paragraph 1 of article 6

1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

- (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;
- (b) Increasing and disseminating knowledge about the prevention of corruption.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In Sweden there exist important institutional safeguards against corruption in the form of a number of agencies, which complement each other. But the most important weapon against corruption is probably the openness and the public's access to information. This provides the public and the media with the means to control public-sector activities.

Supervision by the public and the press is reinforced by institutions such as the Chancellor of Justice and the Parliamentary Ombudsmen, who can investigate any complaint about the executive, as well as the Swedish NAO, which controls all government-funded agencies and state-owned companies. All three institutions are completely independent and are, therefore, free to criticize the executive, if appropriate, and to make recommendations for improvements in the control exercised and the relevant procedures.

Except that, there are several agencies and other actors that play an important role in supporting the work done by the government agencies:

The Police: In addition to the investigative work, the anti-corruption group also works outreach and crime prevention. For example, the crime prevention work may be to disseminate knowledge and inform authorities, municipalities and county councils about corruption.

The Swedish Agency for Public Management: The Agency has the Government's mission to develop and intensify the work of public agencies to discover and prevent corruption and other irregularities. The Agency for Public Management runs a network for public agencies to share experiences and best practice for corruption prevention, to support the development of risk analysis and the agencies' preventive work as well as the detection of corruption and the awareness-raising amongst employees etc. The network connects 230 public agencies. The Agency also develops guidelines for enhancing a "culture against corruption" in public agencies.

The Swedish National Financial Management Authority: The agency is responsible for developing and managing of internal management and control of the state. Within the internal management and control risks of corruption, fraud and other irregularities should be handled effectively by agencies. The Swedish National Financial Management Authority Authorities provide general advice as well as other support material for the authorities in these matters.

The Swedish Competition Authority: The agency works with competition matters and supervision of public procurement. Their task is to work for efficient competition in the private and public sectors for the benefit of the consumers and for efficient public procurement for the benefit of society and the market participants. The authority enforces the rules on competition and supervise the procurement legislation and the systems of choice. The agency contributes in different ways to raise awareness of corruption risks in public procurement since corruption in different forms limit the competition on the market.

The National Agency for Public Procurement: The objective of The National Agency for Public Procurement is to promote an efficient and sustainable public procurement for the benefit of the general public and the actors on the market. The agency provide support on all aspects of public procurement including corruption risks and how to deal with them.

The Chancellor of Justice: The Chancellors main role in relation to the prevention of corruption is that of supervising the functioning of the administration, covering all governmental and municipal authorities and their employees, and designed to ensure that those involved in public activities comply with the law. They handle complaints filed by members of the public or from inspections made ex officio.

Parliament Scrutiny of the public administration

The Parliamentary Ombudsmen (PO): An independent authority established in 1810 to undertake the legal supervision of the executive on behalf of the Parliament. The PO are supervising all State authorities and all local government authorities as well, including the courts of law and the administrative courts. The main role of the PO is to investigate complaints filed by citizens and, in this context, check whether any mistakes have been made, proper routines have been followed, and procedural provisions have been correctly applied.

The Swedish National Audit Office (NAO): NAO is a parliamentary agency with a mandate to review the activities of the state. The Swedish National Audit Office conducts annual reviews of the financial statements of the Swedish state, the government, and administrative authorities. The NAO may also decide to conduct performance audits of the government, the Swedish Government Offices, and the administrative authorities. For more information about the work done on the subject of corruption, see answer to article 5, Paragraph 3.

Other actors

The Swedish Association of Local Authorities and Regions: The organization plays an important role in supporting local and regional authorities in their work on corruption. The Swedish Association of Local Authorities and Regions (SALAR) has developed materials to promote the anti-corruption work on a local and regional level. They have produced handbooks and web-based education and training. In 2019 SALAR started a network against corruption for municipalities and county councils that wants to strengthen their work and learn from good practices.

The Swedish Anti-corruption Institute: The Swedish Anti-corruption Institute (IMM) is a non-profit organization founded in 1923. The Institute's mission is to promote ethical decision processes within business as well as within the rest of the community and to prevent the use of bribes and other types of corruption as a means for affecting decision processes.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

See the answers under article 5.1.3 and 5.3 for references to reports, evaluations etc. on the subject.

8. Paragraph 2 of article 6

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden is in compliance with Article 6, paragraph 2 given its legal system.

Some of the agencies listed in paragraph 1 are not fully independent from the government, in a strict sense. The agencies must apply the laws and carry out the activities decided by both the Riksdag and the Government. In addition to the general system of rules the Government decides on the preconditions for the individual agency's operations. This is affected on the one hand in the annual appropriations directives and, on the other, by ordinances.

The appropriations directives set out the goals an agency is to reach in its operations, how much money the authority has at its disposal and how the money is to be distributed between its different activities. The ordinances contain various general administrative provisions concerning how the agencies are to carry out their work.

Agency heads are often accountable to the Government for the agency's operations, which is why the Government's power of appointment and managerial policy is important. The Government's power of appointment covers decisions on the employment of agency heads, deputy directors-general and county directors. Decisions on other appointments are the responsibility of the agency in question.

Even though the Government has formal measures for steering the operations of government agencies the agencies are autonomous carrying out their tasks and assignments independently. The government has no powers to intervene in an agency's decisions in specific matters.

Of the agencies listed in Article 6, paragraph 1, only two should be considered as fully independent, the Parliamentary Ombudsmen and the Swedish National Audit office (NAO) which controls all government-funded agencies and state-owned companies. These institutions are independent and are, therefore, free to criticize the executive power, if appropriate, and to make recommendations for improvements in the control exercised and the relevant procedures.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

See the answers under article 5.1.3 and 5.3 for references to reports, evaluations etc. on the subject.

9. Paragraph 3 of article 6

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1528

1 Has your country provided the information as prescribed above? If so, please also provide the appropriate reference.

This is example of three agencies that can assist other states parties in developing and implementing specific measures.

1. The Swedish Agency for Public Management
Phone: +46-8-454 46 00
E-Mail: registrator@statskontoret.se

2. Swedish National Audit Office
Phone: +46-8-5171 40 00
E-mail: registrator@riksrevisionen.se

3. The Swedish Association of Local Authorities and Regions (SALAR)
Phone : +46-8-452 70 00
E-mail: info@skl.se

For mor information about the agencies, see the answer under article 6.1.

10. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530 Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0** (NO) No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

7. Public sector

11. Paragraph 1 of article 7

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:

(a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;

(b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;

(c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;

(d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Principles laid down in constitutional law

Chapter 12 Section 5 of the Instrument of Government (Sw. Regeringsformen), which has status as constitutional law, stipulates that appointments to posts within the state administration must be based solely on objective criteria, such as merit and competence. According to Section 4 of the Public Employment Act (1994:260) (Sw. lagen om offentlig anställning) competence should be ranked highest, unless there are specific reasons not to do so.

The principle of public access and openness - a constitutional cornerstone

The principle of public access to official documents ensures transparency. The principle of public access grants the general public and the media access to documents held by central and local government. This principle is enshrined in the Swedish Constitution and is one of the cornerstones of the Swedish legal and administrative systems. Public access to official documents means that everyone is entitled to read documents received or drawn up by a government agency.

Public sector employees are entitled to give out information. The provision on freedom of speech in principle means that public sector employees are entitled to give out information in their possession to third parties. In addition, they may openly voice their own opinions, which may differ from those of their employers. There are normally no restrictions that prevent them from partaking in political life.

The freedom to give out information also means that, where other recipients of information may be subject to a confidentiality commitment, in most cases public sector employees are permitted to give out information to the media anonymously. No official investigation as to the source of such information may be carried out.

The principle of public access to official documents is not entirely unrestricted. Restrictions may be imposed, for example, concerning matters of national security and protection of the personal and financial circumstances of individuals. For the same reasons, restrictions may also be placed on the freedom of speech of public sector employees in the form of a confidentiality commitment. The underlying criteria governing restrictions on the principle of public access are set out in the Swedish Constitution. These are very narrow in scope and, in principle, such restrictions may only be imposed by law.

Autonomous agencies

Unlike most European countries, the Swedish central government administration comprises agencies which are, in principle, autonomous of the Government. Each year the Government takes decisions on agency preconditions, carried out through appropriation directions and Ordinances. Based on this, agencies carry out their tasks and missions autonomously. This principle of autonomy for central government authorities was introduced as early as the seventeenth century when the foundations of today's civil service were laid.

However, modern public administration has been influenced by international trends in both the public and private sectors. For many years, delegation and decentralized decision making have been regarded as the ideal. Sweden has introduced wide-ranging reforms in this respect and the structure of Swedish central government administration is extremely decentralized compared to most other countries. Consequently, employer responsibilities have largely been delegated to the heads of agencies. The aim has been to improve efficiency by ensuring that most decisions are made as close as possible to the operational level.

The Swedish Agency for Government Employers

The Swedish Agency for Government Employers - SAGE - (Sw. Arbetsgivarverket) is a membership organization for Government agencies and has presented the following background information.

One of the principal duties of SAGE is handling negotiations with trade unions on pay and employment conditions for the 270.000 employees in the central Government sector. However, this only concerns overall pay structures and salary increases for central agreements, rather than specific amounts. Individual salary agreements are determined at local level in each agency. SAGE produces salary statistics for the central Government sector and conducts the follow-ups of the development of wages on yearly as well as on more long-term basis.

Other significant duties for SAGE include employer cooperation and member support and advice on a wide range of employment matters. For instance, in helping agencies interpret employment legislation and regulations. SAGE also provides legal advice to members in labour-related disputes brought before The Swedish Labour Court.

SAGE promotes the development of employer policies, safeguards the interests of the Government employers and promotes knowledge on the State as employer and employer policies in the public debate.

The Swedish government offices (ministries) employ only a small number of staff and, compared to other European countries, government agencies enjoy a relatively autonomous status. Under the Swedish Constitution, individual ministers are not permitted to intervene directly in the day-to-day operations of government agencies. During the latter part of the twentieth century, the Government has increasingly delegated responsibility and authority to individual agencies with the aim of improving efficiency in operational and financial decision making. Each agency is free to use its resources as it sees fit within the framework of the Ordinances and appropriation directions, where the agency is notified of what is to be done but not how it is to be carried out in detail.

Central government administration in Sweden is primarily governed by decisions on objectives and funding passed by the Government and the Swedish parliament and by the evaluation of results. Both the Government and the parliament monitor government agency operations through their respective audit authorities. The Swedish government offices (ministries) employ only a small number of staff and, compared to other European countries, government agencies enjoy a relatively autonomous status. Under the Swedish Constitution, individual ministers are not permitted to intervene directly in the day-to-day operations of government agencies. During the latter part of the twentieth century, the Government has increasingly delegated responsibility and authority to individual agencies with the aim of improving efficiency in operational and financial decision making. Each agency is free to use its resources as it sees fit within the framework of the Ordinances and appropriation directions, where the agency is notified of what is to be done but not how it is to be carried out in detail.

The Government continuously monitors the agencies' employment policy. Information is obtained from the agencies' annual reporting concerning their competence planning, pay level development, gender distribution, age structure and staff turnover. Some information is reported directly to the Government and some to the Swedish Agency for Government Employers (SAGE) as a basis for annual statistics on the central government sector. In addition, each agency also reports measures taken to promote diversity among its staff and its efforts to develop a creative workplace with a good working environment.

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among its staff and its efforts to develop a creative workplace with a good working environment.

Employment conditions in the Swedish central government sector are very similar to those of employees in other sectors of the labour market. Virtually all staff are employed on a permanent contract basis. Any differences are primarily due to the agencies', and thus the employers', exercise of public authority. The exact legal position of central government employees in other respects than those set out in the Constitution must therefore be legally established. There is no life-long employment guarantee in central government posts. If redundancies become necessary, permanent employees may also be laid off. However, certain very small groups do enjoy greater employment security, for example higher judges, who may only be removed from their posts if they commit a crime or otherwise have shown to be obviously unsuitable.

Co-determination Act also applies to government agencies The Act on Co-determination at Work also applies to the Government and government agencies. Consequently, as is the case with all other Swedish employers, government agencies are obliged to regularly brief the relevant unions on how the agency is developing in terms of its production and finances as well as its staff policy guidelines. The relevant unions in this case are those to whom the employer is bound by a collective basic agreement. Government employers are also obliged to consult the unions before taking decisions on significant changes in agency activities or the working conditions of employees. However, having followed this procedure, there is then nothing to prevent employers from taking unilateral decisions in line with their previously expressed intentions. The obligation to negotiate applies to the Government and government agencies when decisions concern their activities as employers in relationship to their employees. All sectors of the labour market are governed by agreements between employers and unions as a complement to the Co-determination Act. The Co-operation for Development agreement is valid for the central government sector. The aim of this agreement is to promote efficiency by stimulating development in the workplace. The underlying concept is that everyone at a workplace shares a common interest in handling its operations as efficiently as possible.

No central recruitment procedure

The Government appoints heads of agencies and, in a few cases, other senior officials while all other staff is recruited by each individual agency. Consequently, there is no central recruitment procedure into a civil service career as such. Instead, each agency determines the staff it requires. Careers in the traditional sense still exist for groups such as judges, prosecutors, the police and Foreign Service staff. In these cases, the respective agency is still responsible for appointments and training. The previous distinction between statutory civil servants, white-collar and blue-collar workers no longer exists.

The Swedish Constitution sets out the criteria for selecting staff to central government posts. Merit and competence and other reasonable objective grounds are to be decisive. Competence however is now given precedence. What competence consists of in each individual case is determined by the agency concerned and is defined by the requirements of each post.

Appeal

As mentioned above agencies recruit all staff except senior management. Decisions concerning recruitment could be appealed to a separate National Board of Appeal [Sw. Statens överklagandenämnd]. The National Board of Appeal is the agency that hears appeals against employment decisions of government authorities. The Board also examines some decisions concerning total defense conscripts and training in protection against accidents. The Higher Education Appeals Board [Sw. Överklagandenämnden för högskolan] is the public authority responsible for hearing appeals against decisions made in the higher education sector and in the sector for post-secondary vocational education and training. The National Board of Appeal and the Higher Education Appeals Board are final appeal bodies and decisions may not be challenged.

Career development

Career development for central government employees is often achieved through the development of his or her duties within in the same position. Responsibilities are often broad and include considerable opportunity to improve both competence and pay levels. Evaluation dialogues between managers and individual staff members are generally used to review performance and potential future duties, results and training needs. It is also possible, of course, to change job. Central government employees are given no precedence when applying for vacant posts within the administration and compete on equal terms with applicants from other sectors. It is often beneficial for employees to change jobs within the same agency or move between different agencies or sectors of the labour market, as new tasks in a new environment tend to contribute to the development of individual members of staff and of the organization.

The employment process is transparent in the sense that applications and underlying documentation in the form of specification profiles, required competence etc. are public documents. This material is accessible to

the public. A decision may be appealed to the Government or to a central authority.

Pay

Pay levels and other employment conditions for central government are established in collective agreements or in individual agreements between employer and employee, based on central collective agreements. Employment conditions are largely like those valid for the rest of the labour market.

SAGE has, to an increasing extent, delegated the authority and responsibility to negotiate and decide on employment conditions to the individual agencies. The aim is the efficient use of the agencies' resources by adapting conditions to the requirements of each individual agency. The starting point for this development was the Personnel Policy Bill adopted by the parliament in 1985. The bill decreed that government staffing policy was to be simplified, decentralized and adapted to market conditions. As mobility between different sectors of the labour market is desirable, it is necessary to harmonize terms of employment in the public and private sectors. Employment conditions in the central government sector must therefore be adapted to market conditions with the proviso, however, that this sector does not set the trend for pay increases on the labour market. In 1989, a system of individual pay was introduced to replace the former system where posts were positioned in pay grades. Individual pay is set based on the difficulties and responsibilities inherent in the post, the performance of the employee and the impact of the market situation on employment conditions. The most common method applied is for the immediate superior to evaluate results attained by the employee and his or her performance in conjunction with an annual pay review. The new pay level is then confirmed in a pay-setting dialogue between employer and employee, or after negotiations between the employer and the local trade union. The method of a direct pay-setting dialogue between employer and employee has proved very successful as it increases the employee's understanding of the connection between results and pay. It also puts emphasis on leadership and makes the role of the employer more visible. Individual pay is also set on the appointment of new staff when the employer determines the level. An agreed procedure of negotiation regulates when and how pay is to be revised.

Pay levels are set individually, based on each employee's individual performance and ability. Other factors are also considered, such as the degree of difficulty and level of responsibility involved in the role. Market factors, such as competition on the labour market, can also influence pay levels. As an employee, it is important that you are aware of the factors on which your pay is based and what you can do to influence them. Working hours - different solutions, depending on the job Working time agreements in the central government sector are negotiated by the employer and the trade union organizations. Working hours are scheduled based on the activities and prerequisites entailed in the role. Some jobs involve unregulated working hours, which means that the employee has considerable freedom to decide his or her own working hours. In order to support parental leave, your employer pays additional benefit when you draw your parental benefit. You can be paid about 90% of your normal pay for a large part of your absence from work. As a parent of young children, you also have the option of working part-time. As an employee, you will earn an occupational pension based on a collective agreement. This will be paid in addition to the state pension that everyone is entitled to. The employer makes payments to your contractual pension in accordance with the PA 16 pension agreement.

Roll and responsibilities at the Human Resource departments

Each agency's Human Resources Department has the overall responsibility for training within the Authority. The training regarding for example high risk situations, ethics, expected conduct, prevention of corruption and conflicts of interest and related matters, is based on the material produced by the Swedish Agency for Public Management. These are an integrated part of the basic training as well as in-service training and the training of superiors.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The Agency for Public Management

The Agency for Public Management (Sw. Statskontoret) is the authority for analyses and evaluations of state and state-funded activities. The Agency's mission is to provide the Government and agencies with relevant, concrete and useful studies in all areas with the aim of making the public sector more efficient. The agency supports the Government in matters relating to organization, governance and development of the public sector.

The Agency has produced several documents that are publicly available that give a good overview in connected areas. <http://www.statskontoret.se/InEnglish>

Risk areas for irregularities and corruption

Risk areas for irregularities and corruption are highlighted in the document; this is based on the risk areas stated by the National Financial Management Authority (Sw. Ekonomistyrningsverket, <https://www.esv.se/english/>). All departments and regions perform in-depth risk analyses and report this to the Financial Affairs Department. The work is described in the Annual Report to the Government.

The areas where the risk of corruption is considered to be particularly high are:

- Procurement and purchase (Sw. upphandling och inköp)
- Payments (Sw. in- och utbetalningar)
- Supervision (Sw. tillsyn)
- Criminal investigations (Sw. brottsutredningar)
- Research (Sw. forskning)
- Sensitive information (Sw. känslig information)
- Authorization and certification (Sw. tillstånd och certifiering)

Protection for whistle-blowers

In addition to the constitutional framework described above, protection for whistle-blowers is provided in the Act on special protection for workers against reprisals for whistleblowing concerning serious irregularities (2016:749). This legislation provides that an employee who is subject to reprisals by the employer in violation of this act is entitled to damages. The protection includes independent contractors as well. A new framework for protection of whistle-blowers has been decided in the EU. The proposal will guarantee a high level of protection for whistleblowers who report breaches of EU law by setting new, EU-wide standards. The new law will establish safe channels for reporting both within an organisation and to public authorities. It will also protect whistleblowers against dismissal, demotion and other forms of retaliation and require national authorities to inform citizens and provide training for public authorities on how to deal with whistleblowers.

Reports from The Swedish National Council for Crime Prevention (BRÅ)

In a study presented in 2014 The Swedish National Council for Crime Prevention (BRÅ) focuses on corruption that seeks to influence the core domain of the work of public sector agencies - the exercise of public authority. The report is available at https://www.bra.se/download/18.35c681d4143337cb6b21444/1399560604864/2014_Corruption_in_government_agencies.pdf

The Council presented the report in this way:

In this setting, there are two main actors: the insider, is an official at a public sector agency, and an offender on the outside with links to economic or organized crime. Their corruptive interaction occurs when the insider has an improper relationship with the offender and where this relationship benefits the offender's illegal activities. In this regard, the form of corruption studied here differs from the type of corruption that is generally associated with public sector agencies, namely that linked to the procurement of goods and services, where the agency acts in the same way any other purchaser. Furthermore, the offences covered by the study concern more qualified types of crime. The economic and organized crimes included in the study are both characterized by a high level of organization. There is a hierarchical division of labour associated with the crime and the criminal activities are relatively long-term (Korsell, Skinnari and Vesterhav 2009, Brå 2005:11, Ruggiero 2012, Larsson 2008, cf. Kleemans and van de Bunt 2008). The economic crimes are characterized by an insider who cooperates with one or more offenders on the "outside". Through the study of this phenomenon, and of how corruption is utilized by offenders in the fields of economic and organized crime, the objective of the study is to increase our knowledge of serious corruption offences and the damage these produce, and to develop preventive and counteractive measures to enable public sector agencies to better protect themselves. One important reason for conducting the project was that security managers at a number of agencies had expressed concern over the possible existence of insiders within their agencies and over the damage that these might inflict. At the same time, there is a frustration among managers that they lack sufficient resources to tackle the problem. Consequently, the idea for the project was developed in cooperation with a total of eleven agencies, which then also followed the implementation of the project via a reference group. The agencies differ greatly with regard to their areas of authority. The law enforcement agencies comprise the Swedish Economic Crime Authority, the National Bureau of Investigation, the Swedish Security Service, the Swedish Prosecution Authority. An offender's interest in an insider at these authorities lies in the desire to escape detection and controls, to obtain information about upcoming seizures, avoid sanctions etc. The Swedish Enforcement Authority is unique in an international perspective since it is responsible for enforcing both public and private claims, e.g. taxes, fines, custom duties, titles of execution, and judgments issued by general and administrative courts. Obtaining information about upcoming seizures, minimizing the size of the seizure or influencing the way in which a claim is enforced is of interest to offenders, since these

actions directly affect their access to their criminal profits. The Swedish Social Insurance Agency and the Swedish Public Employment Service are part of the welfare system. The Social Insurance Agency assesses, approves and distributes social welfare benefits and subsidies. These may be paid to individuals or to companies. The Public Employment Agency not only assists people in finding employment but also assesses, approves and distributes various forms of financial support to newly established and existing businesses. The two agencies disburse large sums of money to individuals and companies. Offenders therefore have a strong economic interest in gaining access to the agencies' financial resources. Swedish Customs and the Swedish Tax Authority are fiscal authorities. They also take part in combating crimes through their control operations. As in the case of the law enforcement agencies, information about upcoming controls or the information that these agencies have on offenders are valuable resources for the offender. In the case of the Tax Authority, they also assess, grant and approve various forms of tax rebates, and therefore have financial resources which interest offenders. Some offenders end up in prison and in the custody of the Swedish Prison and Probation Service. When deprived of their freedom of movement, offenders have a strong interest in communicating with the outside, sometimes in order to continue their criminal activities. In these situations, a prison officer who smuggles information to the outside, allows unauthorized phone calls, or acts leniently during controls can be of great value to the offender. Finally, when it comes to the Swedish Armed Forces, they primarily have extensive material assets which offenders may seek to obtain, either for their own use or to sell for profit.

12. Paragraph 2 of article 7

2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.

1520 Is your country in compliance with this provision?

0 (P) Yes, in part

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

There are no elections to public offices within the Swedish administration. Hence, the administrative functions are not carried out by elected officials. This means that only members of decision-making assemblies, such as the Swedish parliament (Riksdagen), the Municipal Assembly (kommunfullmäktige) and the County Council Assembly (landstingsfullmäktige), are elected for their offices. According to the Swedish Constitution (Chapter 3, Article 4 of the Instrument of Government) every Swedish citizen who is currently domiciled within the Realm or who has ever been domiciled within the Realm, and who has reached the age of eighteen, may be elected a member or alternate member of the Riksdag. Where there are grounds, the Election Review Board (Valprövningsnämnden) shall examine on its own initiative whether a particular member or an alternate is eligible (Chapter 4, Article 11 of the Instrument of Government).

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Sweden has no examples to provide.

13. Paragraph 3 of article 7

3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In 2014 the Swedish Parliament (Riksdagen) adopted the Act on transparency of party financing which was a first step towards a coherent and balanced regulatory framework aimed to address the issue of transparency of party funding in Sweden. In 2018 the Riksdag adopted a new Act on transparency of party financing to further increase transparency and strengthen the regulatory framework. The 2018 Act replaced the 2014 Act and came into force on 1 April 2018. The Act aims to ensure public insight on how the political parties and the electoral candidates finance their activities. It applies to party's participating in elections to the Riksdag, the European Parliament, the Municipal Assembly (kommunfullmäktige) and the County Council Assembly (landstingsfullmäktige). It also applies to affiliated organisations to party's.

The Act poses an obligation to party's to report on how it has financed its activities. The report must provide a clear account of the funds from which the activities have benefited and where these funds come from (revenue statement). The revenue statement must cover the party's activities and activities operated by organisations affiliated with the party. If activities are operated via several non-profit organisations, each such organisation must submit a revenue statement concerning its activities. A member or alternate member must also submit a revenue statement concerning their activities as an electoral candidate, member or alternate member. The revenue reports are published on the website of the Legal, Financial and Administrative Services Agency (Kammarkollegiet).

The Act also imposes a ban on receiving anonymous contributions (i.e. donations where the donor is unknown to the receiver) whose value exceeds 0.05 price base amount (SEK 2 370 in 2019) and provisions on supervision and administrative sanctions (fees ranging from 500 SEK to 100 000 SEK) and on appeal to the administrative courts. The legal definition of a contribution is services rendered in the form of money, goods, services and other benefits received wholly or partly without services in return, with the exception of customary voluntary work and customary free services.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Sweden has no examples to provide.

14. Paragraph 4 of article 7

4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Side-line activities [Sw. Bisyssslor]

The legal framework regarding conflicts of interest consists of several laws depending on what aspect is concerned. Provisions on conflicts of interest can be found in the Public Employment Act (1994:260) [Sw. Lagen om offentlig anställning], the Administrative Procedure Act (2017:900) [Sw. Förvaltningslagen] and other regulations.

The Public Employment Act (1994:260) sets out the legal framework for side-line activities for public employees. Regarding side-line activities, the employee is obliged by law to report any potential conflict of interest due to side-line activities to his or her superior. The report does not have to meet any formal requirements in terms of form or content.

Incidental employment

Section 7

An employee may not have any employment or any assignment or exercise any activities that may adversely affect confidence in his or any other employee's impartiality in the work or that may harm the reputation of the authority.

Section 7 a

The employer shall in an appropriate way inform the employees of which kinds of circumstances can constitute incidental employment that is not allowed under Section 7. (SFS 2001:1016)

Section 7 b

An employee shall at the request of the employer provide the information necessary for the employer to be able to assess the employee's incidental employment. (SFS 2001:1016).

Section 7 c

An employer shall decide that an employee who has or intends to undertake incidental employment that is not compatible with Section 7 shall cease with or not undertake such incidental employment. This decision shall be in writing and include reasons. (SFS 2001:1016)

Section 7 d

A permanent judge and heads of authorities that report directly to the Government shall on their own initiative notify to the employer what kinds of incidental employment they have. (SFS 2004:833)

Financial instruments etc.

In accordance with § 11 of Act (2000:1087) on the Reporting Obligation for Certain Holders of Financial Instruments, the government may decide that an authority shall provide a list of the holdings of financial instruments of the officials at the authority that possess a certain amount of insider information. On October 4, 2014, the government decided that the Swedish Government Offices shall provide such a list regarding the holdings of cabinet ministers and certain other officials.

If an employee assumes or continues his or her side-line activities in contravention of a decision denying him or her to do so, the employee may become subject of general labour law sanctions such as disciplinary measures or a separation of employment.

The legal framework regarding conflicts of interest consists of several laws depending on what aspect of the role as an employee is concerned. Provisions on conflicts of interest can be found in the Public Employment Act (1994:260), legislation in specific for the agencies working area such as the Police Act (1984:387) and the Administrative Procedure Act.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Sweden has no examples to provide.

15. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530 Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0** (NO) No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

8. Codes of conduct for public officials

16. Paragraph 1 of article 8

1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

This answer covers all questions under article 8.

General criminal provisions are applicable to actions by an employee in his or her professional capacity. Hence, an employee can be subject to criminal liability for the criminal misuse of public resources, e.g. fraud, embezzlement and breach of faith committed. Chapter 20 Section 1-3 of the Criminal Code (1980:102) (Sw. brottsbalken).

In addition, an employee who uses confidential information in conflict with relevant provisions may also become subject to disciplinary actions by the Staff Disciplinary Board at each relevant authority (Sw. Personalansvarsnämnd, PAN).

The question whether a conflict of interest exists must be considered continuously by each employee. As soon as a conflict of interest the employee is obliged to report this conflict to his or her superior. In case of a conflict of interest the employee is prohibited from taking any actions in the matter (Ch. 4 Sect. 14-15 §§ Code of Judicial Procedure (Sw. rättegångsbalken), 16 § Administrative Procedure Act (2017:900) (Sw. Förvaltningslagen)).

In addition a general guidance has been produced in cooperation between the Ministry of Finance and the Swedish Association of Local Authorities and Regions (Sw. Sveriges Kommuner och Landsting) to provide public employees with assistance to, inter alia, identify conflicts of interest and corruptive behaviour and make ethically correct choices when they occur. This document is under review.

The legal framework regarding conflicts of interests applicable as soon as the public official finds him- or herself in a situation covered by these provisions. Hence, the employee can find him- or herself in a conflict of interest because of circumstances surrounding persons with whom he or she has a close relation to. The employee shall report of any potential conflict of interest to his or her superior.

Gifts, presents etc.

In addition to general provision and guidelines on conflicts of interest, each agency should when needed provide necessary rules and guidelines regarding purchase and procurement. The guidelines describe the legal framework and provides advice and instructions to employees, e.g. that it is forbidden to accept gifts offered in the context of procurement, that there should be a rotation of employees if a contract with a supplier is effective for a longer period of time and that there should not be any representation in relation to suppliers or consultants, who may become involved in a future procurement process.

There is no general prohibition against agency employee's specific financial assets. However, the holding of financial interests may in a specific situation constitute a conflict of interest if the employee because of his or her holdings are put in a situation set out in the legislation on conflicts of interest. The holding of financial interests may also be relevant during a security clearance and background investigation as debts, income, expenses and possession of property in specific situation may constitute risk factors.

Any misuse of confidential information by an LEO is subject to general criminal responsibility in accordance with Chapter 20 Section 3 of the Criminal Code (1980:102) (Sw. brottsbalken).

There are no limitations on employee's to assume new occupations after leaving their employment at the Police Authority.

Parliamentary ombudsmen

The Parliamentary Ombudsmen (Sw. Riksdagens Ombudsmän - JO) supervise the implementation of laws and other regulations in the public sector. There are four Parliamentary Ombudsmen and their supervision includes, inter alia, governmental authorities. An Ombudsman is appointed by the Parliament for a consecutive period of four years and may thereafter be re-elected. The Ombudsmen are autonomous in their supervision and independent from the Parliament. The Parliamentary Ombudsmen's is funded in the government budget.

The Parliamentary Ombudsmen's supervision is composed of four areas of responsibility. Each Ombudsman governs their own area of responsibility. An investigation by the Ombudsman can result in criticism towards an authority or an official at an authority. In addition, he or she may, as a special prosecutor, initiate prosecution against an official for misconduct. An Ombudsman may also initiate a disciplinary proceeding against an official by filing a complaint to a Disciplinary Board. An appointed Ombudsman is a highly qualified lawyer often with experience from the courts where he or she has held a position as a high-ranking judge. The Parliamentary Ombudsmen's supervision is primarily initiated by an examination of an individual's complaint. However, the Parliamentary Ombudsmen may also initiate an investigation on its own pursuant to, e.g., a report in the media or otherwise brought to the Parliamentary Ombudsmen's attention. During an investigation the subject of the investigation, e.g. an authority, is given an opportunity to hand in a written statement to the Parliamentary Ombudsmen. A complaint may also be lead to an inspection at an authority. In addition, the Parliamentary Ombudsmen may conduct an investigation that the Parliamentary Ombudsmen deems necessary to complete an assignment. A party that is under investigation is obliged to hand in the information that the Parliamentary Ombudsmen requests, there is no secrecy provision that apply in relation to the Parliamentary Ombudsmen. In principle, the authority to oversee and supervise public administration of the Ombudsmen and the Chancellor of Justice overlap. The Parliamentary Ombudsmen and the Chancellor of Justice therefore usually perform an initial check before initiating an investigation to avoid parallel investigations. An Ombudsman takes independent decisions in the cases that he or she investigates. In minor cases, the Ombudsman may delegate the cases to a Head of Division. Only limited authority can be delegated to a Head of Division and does not include the right to direct criticism.

Chancellor of Justice (JK)

The Chancellor of Justice (Sw. Justitiekanslern) is the Government's ombudsman with the task to inter alia supervise the public administration, including the courts, the prosecutors, the police and the Swedish Security Service. Neither the Government nor the Parliament are covered by the Chancellor's supervision. The Chancellor of Justice has the power to investigate and prosecute public officials for misconduct or other crimes connected with their employment. In less serious cases the Chancellor has the power to initiate disciplinary proceedings. The most common measure that is taken, however, is to pronounce criticism against the failing authority or public officials'. The Chancellor also handles claims that apply the law on compensation for detention and other coercive measures. The lawyers are highly trained lawyers with deep knowledge of the legal system and the legislation but also about the administration. They have many years of experience from the general courts or the courts of administration, but also as prosecutors or from private offices of law.

The Chancellor of Justice is also empowered, in rules laid down by law, with the power to take initiative on his or her own discretion against any public authority or public official without the interference from any other official body nor the Government or the Parliament. The Government might however give an assignment to the Chancellor to investigate certain issues. Such assignments, which are very rare, usually ask for the Chancellors legal opinion on a certain question. To ensure the independence and autonomy of the office of Chancellor he or she is appointed in the same way as a judge, which means the Government cannot dismiss the Chancellor.

The Chancellor of Justice usually follows the rules laid down in the Administrative Law and the rules regarding preliminary investigations and prosecution or disciplinary proceedings. The officials and the authorities are obliged to provide the Chancellor with the information he or she finds necessary to carry out the supervisory task. The Chancellor also has unlimited access to authorities' files and other documents.

The most common reason for initiating an investigation is complaints from the public. An investigation can also be triggered by information in a newspaper or other media. The Chancellor of Justice can also on his or her own discretion start an investigation.

The Governmental authorities are also obliged to annually inform the Chancellor of Justice about matters or cases that has not been settled within a reasonable time or remains uncompleted.

The Chancellor of Justice might ask for a written statement from the authority or demand access to the files. The Chancellor can also visit the authority in question to carry out an inspection.

The Chancellor of Justice carries out his or her task independently from other supervisory bodies, such as

the Parliamentary Ombudsmen. There is however some co-ordination with the Parliamentary ombudsman.

The Chancellor of Justice takes the decisions him- or herself. There is, however, a possibility to delegate decisions in minor matters to the lawyers at the Chancellors' office.

Disqualification (Sw. Jäv)

The circumstances that constitute disqualification are stipulated in Chapter 4 section 13 of the Swedish Code of Judicial Procedure (Sw. rättegångsbalken):

A judge shall be disqualified from hearing a case:

1. if he is a party therein, or otherwise has an interest in the matter at issue, or can expect extraordinary advantage or injury from the outcome of the case;
2. if he and one of the parties are, or have been, married or are related by blood or marriage in lineal ascent or descent, or are siblings, or are so related by marriage that one of them is, or has been, married to a sibling of the other, or if he is similarly related to one of the parties;
3. if he is related as specified in 2 to anyone who has an interest in the matter at issue or can expect extraordinary advantage or injury from the outcome of the case;
4. if he, or any relation as specified in 2, is a guardian, custodian or administrator or otherwise serves as legal representative of a party, or is a member of the board of a corporation, partnership, association or similar society, foundation or similar institution which is a party, or, when a municipality or similar community is a party, if he is a member of the board in charge of the public administration of the function affected by the case;
5. if he or any relation as specified in 2, is related in the way stated in 4 to anyone who has an interest in the matter at issue or can expect extraordinary advantage or injury from the outcome of the case;
6. if he is the adversary of a party, though not if the party has sought issue in order to disqualify him;
7. if he, acting in another court as a judge or officer, has rendered a decision concerning the matter at issue, or if he, for an authority other than a court, or as an arbitrator, has dealt with the matter;
8. if he, in the case of a main hearing of a criminal case, has prior to this main hearing determined the issue of whether the defendant has committed the act;
9. if he has served in the case as an attorney for, or counselled, one of the parties, or has been a witness or an expert therein; or
10. if some other special circumstance exists that is likely to undermine confidence in his impartiality in the case.

These regulations are supplemented by regulations on disqualifications in the Administrative Procedure Act (2017:900) (Sw. förvaltningslagen).

Disqualification

Section 16

A person that is taking part in an agency's dealing with a case in a way that could influence the agency's decision is disqualified if

- the matter concerns him- or herself or a close relative as a party in the case or because the decision could be supposed to have an effect for him- or herself that is not unessential,
- he/she or any close relative is or have been deputy or acts by proxy for a party in the case or for any other person that is expected to be influenced by the decision in a way that is not unessential,
- he or she has taken part in the final handling of the case at a different agency and because this having already made up his or her mind or opinion in question disqualified at a controlling authority/agency, or
- if there are any other specific circumstance that makes his or her impartialness questionable.

If it is obvious that the issue of impartialness does not matter, the agency should ignore disqualification.

Section 17

A person that is disqualified are not aloud to take part in the handling of the case and may not be present when decision is taken. He or she may nevertheless take actions that nobody else could take without having the handling of the case considerably delayed.

Section 18

Anyone that has got information about circumstances that could possibly make him or her disqualified are obliged to immediate report this to the agency.

An agency should decide in the issue on disqualification as soon as possible.

The person which is questioned about possible disqualification is allowed to take part in the handling of the issue on disqualification only if it is necessary because the agency must be competent to make decisions (constitue a quorum) and if it is not possible to bring in a substitute for him or her dealing with

the issue of disqualification without considerable delay.

Code of Conduct

There is no dedicated code of conduct valid for all agencies, but most agencies has produced their own codes of conduct specifying the needs valid for their organization.

Security analysis

'Protective security' means the protection of security-sensitive activities against espionage, sabotage, terrorist offences and other crimes that could threaten those activities, and the protection of classified information in other cases. The Protective Security Act protects activities that are of importance for Sweden's security from a national perspective. That means that many activities may be of vital public importance without being regarded, for that reason, as securitysensitive within the meaning of the Protective Security Act. The concern is thus to protect those activities that are in greatest need of protection, primarily against antagonistic attacks. Protective security also encompasses activities covered by an international protective security commitment that is binding on Sweden.

On 16 May 2018 the Swedish parliament passed a new Protective Security Act, which entered into force on 1 April 2019. The Protective Security Ordinance (2018:658) entered into force at the same time. The new regulatory framework is based in large part on the proposals put forward in the report En ny säkerhetsskyddslag (A new Protective Security Act, SOU 2015:25).

The person who is subject to the security screening is assessed, by the operations protection unit, from a loyalty, trustworthiness and vulnerability perspective.

The Internal Audit Unit (Sw. Internrevisionen)

The Internal Audit Unit is a body that is existing in specific agencies. This is a standalone unit with the mission to examine and make proposals on improvements when it comes to internal governance and control. The Internal Audit also inspects the processes for internal governance and control, and report on suggestion for improvement and development of processes. The audit should be executed in a systematic and structured manner, in order to increase efficiency in risk management, governance and control.

The Ordinance on internal governance and control

The measures taken regarding risks and risk management by government agencies are based on requirements in the Ordinance (2007:603) on internal governance and control (Sw. förordning om intern styrning och kontroll). According to Section 3 of that ordinance, an analysis of the risks shall be made to identify risks of not being able to meet the requirements in Section 3 of the Ordinance (2007:515) on public agencies (Sw. myndighetsförordningen). Section 3 of the Ordinance on public agencies states that the activities of the authority shall be executed in an efficient way, according to laws and regulations, be reported in an accurate and reliable way and that the agency spends its funding in a responsible way.

The task of the Swedish Agency for Public Management

The Swedish Agency for Public Management (Sw. Statskontoret) has the Government's mission to develop and intensify the work of public agencies to discover and prevent corruption and other irregularities. The Agency for Public Management runs a network for public agencies to share experiences and best practice for corruption prevention, to support the development of risk analysis and the agencies' preventive work as well as the detection of corruption and the awareness-raising amongst employees etc. The network connects 220 public agencies, including the Swedish Police Authority. The Agency also develops guidelines for enhancing a "culture against corruption" in public agencies. Please see appendix 14 for a pilot document in this area; the document was recently updated and published (only in Swedish so far) to be used by the public agencies.

All public agencies submit annual reports to the Government, including both financial and operational activities. The annual report must be submitted to the Government by 22 February the following year. Based on the annual report, the Government monitors and evaluates the efficiency and effectiveness of the activities of the authority. On the same day as the report is submitted to the Government, it is made available to the Riksdag and the general public.

The annual report contains information on how the authority has made use of its funding (public resources) the past year, including comments on the operational activity and how the assignments given by the Government have been implemented and the operational results.

The annual report also includes statistics and numbers, covering profit and loss statements, balance sheet etc. The annual report also contains information about salaries and side-line activities (board memberships

etc.) assumed by the officials appointed by the Government (the National Police Commissioner, the Head of National Operations Department, Deputy National Police Commissioner and the Head of the Special Investigations Department). The fees and side-line activities of members of the Supervisory council (Sw. insynsrådet) are also included. Further information can be found in the answer to question 15.

The Swedish National Audit Office (Sw. Riksrevisionen)

In addition to the scrutiny and assessment of the Ministry of Justice, the annual reports, including the financial information, are also reviewed by the National Audit Office (NAO) (Sw. Riksrevisionen). When the NAO presents its reports and recommendations, the Government Offices (and the agency in question) takes note and takes action in order to make improvements.

The NAO is led by three auditors general, who are elected by the Riksdag for a term of seven years without possibility for re-election. Their independence in conducting audits is guaranteed by provisions introduced into the Instrument of Government (Sw. regeringsformen) in 2002. The Riksdag decides on the annual budget of the NAO and examines the division of resources in relation to the presented results. The scope and focus of the audit is governed by the Act (2002:1022) on Audit of State Activities etc (Sw. lag om revision av statlig verksamhet m.m.) and the Act 2002:1023) with instructions for the National Audit Office (Sw. lag med instruktion för Riksrevisionen).

The National Audit Office audits public sector annual reports through financial audit. The audit assesses whether the accounts and the underlying documentation is reliable and the accounting records true and fair and whether the administration by the management complies with relevant regulations and special government decisions. For financial auditing the authority applies the International Standards for Supreme Audit Institutions (ISSAI).

The NAO also audits a broad range of state and authority activities apart from the annual reports. All audit reports are public and available online (www.riksrevisionen.se).

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

Sweden has no examples to provide.

17. Paragraph 2 and 3 of article 8

2. In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.
3. For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.

1521 Is your country in compliance with these provisions?

0 (Y) Yes

1523

- 1** Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention.

See the answers to question 16.

1525

- 1** Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

See the answers to question 16.

18. Paragraph 4 of article 8

4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

See the answers to question 16.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

See the answers to question 16.

19. Paragraph 5 of article 8

5. Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

See the answers to question 16.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

See the answers to question 16.

20. Paragraph 6 of article 8

6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

See the answers to question 16.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

See the answers to question 16.

21. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530 Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0** (NO) No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

9. Public procurement and management of public finances

22. Paragraph 1 of article 9

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

(a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;

(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;

(c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;

(d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;

(e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Swedish public procurement system is in full compliance with Article 9.1. The core of the regulation consists of the principles of transparency, proportionality, equal treatment, mutual recognition and non-discrimination. Furthermore, it is prohibited to design a procurement with the purpose to limit competition.

Among other things, the regulation encompasses provisions about public publication of procurement notices and award notices, the use of electronic means, direct access to procurement documents and the information therein (selection criteria, technical and functional requirements, award criteria), time limits for submitting tenders, information to all tenderers about the reasons for the award decision and the standstill period under which all suppliers can apply for review. Moreover, there are effective remedies, for example it is free for all suppliers to apply for review and the average decision speed is less than three months.

The general rules on conflicts of interest comprehend an obligation to report circumstances that are likely to imply a conflict of interest and it is mandatory for

the authority to investigate such circumstances. If the person in question participates in the handling of a matter or when a decision is being made, having a conflict of interest, the subject of the decision can be appealed to the court and even result in penalties.

The principle of public access to official documents

Contracting authorities overall and many contracting entities are subjected the principle of public access to official documents. Hence, it is necessary to be aware of the impact on the public procurement procedures, especially in the anti-corruption perspective.

Documents pertaining to government affairs are as a rule available to everyone. The final product (the decision itself) and the documents that relate to that decision are, provided that no provision on confidentiality applies in relation to all or part of the contents of the document. Confidentiality may apply to documents regarding the internal affairs of the Swedish Government Offices, e.g., on account of national security or relationships to other states or international organizations, or for some other reason.

General information on the Swedish public procurement system

The aim of the procurement rules is to ensure that contracting authorities use public funds to finance public purchases in the best possible way by taking advantage of competition in order to get a good deal.

The public procurement reform

In order to create a solid foundation for a strategic public procurement process, the Government has initiated an extensive reform in the area of public procurement. The reform consists of three elements: the procurement legislation, the National Public Procurement Strategy and the establishment of the National Agency for Public Procurement.

The government set up a new agency in 2015 with the overall responsibility for developing and supporting the procurement carried out by the contracting authorities and entities. The Agency's task is to work for an effective and socially and environmentally sustainable public procurement to the benefit of the society and the participants in the markets. They provide support to contracting authorities, entities and suppliers.

The government launched the National Public Procurement Strategy in 2016. The government has formulated seven policy objectives for the procurement strategy. The contracting authorities and entities need to take greater responsibility for procuring more strategically and for using tax assets in the best possible way. Here we see an important task for the Government to be clear that the governmental authorities have that responsibility.

[<https://www.upphandlingsmyndigheten.se/globalassets/english/procurement/national_public_procurement_strategy_english_web.pdf>](https://www.upphandlingsmyndigheten.se/globalassets/english/procurement/national_public_procurement_strategy_english_web.pdf)

Supervisory body

The Swedish Competition Authority is the state authority working with competition matters and supervision of public procurement. Their task is to work for efficient competition in the private and public sectors for the benefit of the consumers and for efficient public procurement for the benefit of society and the market participants. The authority enforces the rules on competition and supervise the procurement legislation and the systems of choice. The authority also performs tasks pursuant to the Trading Prohibition Act and the Act on Transparency.

Legal acts

The rules on public procurement are found in four legal acts:

- The Act on Public Procurement (LOU) applies to purchases of public works, goods and services. For an English translation, see <http://www.konkurrensverket.se/globalassets/english/publications-and-decisions/swedish-public-procurement-act.pdf>.
- The Act on Public Procurement in the Utilities Sectors (LUF) applies to contracting entities in the fields of water, energy, transport and postal services.
- The Defense and Security Procurement Act (LUFS) applies to defense and security procurements that encompass military equipment, among other things.
- The Act on Public Procurement of Concessions (LUK) applies to any procurement of services or works with the award of a so-called concession. There are service concessions and works concessions. A service concession is a contract covering the performance of a service and where the remuneration is a right to use the object of the contract itself. A works concession is a right to use a building.

Contracting authorities include central and local government authorities, such as decision-making assemblies at local government authorities and county councils, certain bodies governed by public law (e.g. most municipal and some state-owned companies) and associations of one or more contracting authorities or one or more bodies governed by public law. Municipal and state-owned companies are also covered by the term 'contracting authority'

The general principles

The fundamental principles for public procurement are specified in the public procurement legal acts. The provisions in the procurement acts should always be interpreted with these taken into account:

- The principle of non-discrimination
- The principle of equal treatment
- The principle of transparency
- The principle of proportionality
- The principle of mutual recognition

Information about and access to procurement procedures (a)

Threshold values

The threshold amounts determine which rules in the legislation are to be applied. It is the EU that decides what the threshold amounts are. The threshold amounts are revised every other year. If you are going to perform a procurement, you should therefore estimate the value of the future contract.

For procurements with a value that is estimated to exceed the so-called threshold amounts, a more far-reaching legislation applies. These procurements can be referred to as procurements pursuant to the directives.

For procurements below the threshold amounts, there is specific national legislation which is somewhat simpler. However, the similarities between national procurements and procurements pursuant to the directives are large. The differences relate mainly to the procurement procedures and the rules on publication of notices and time limits.

The thresholds also affect the limit for direct awards. The direct award limit is a percentage of the threshold amounts in force. There are no legal requirements on how a direct award should be performed but a public purchaser must always consider the basic principles of procurement. However, there are rules stating that the authority must have guidelines and requirements on documentation, which you must consider. There is no obstacle to you making a publication of your direct awards in accordance with the procurement legislation.

| LOU | Euro | SEK |
|---------------------------|---------|-----------|
| Goods and services | | |
| Government agencies | 144,000 | 1,365,782 |

| | | |
|--|-------------|------------|
| Other contracting authorities (such as municipalities, county councils, public service companies, associations, foundations) | 221,000 | 2,096,097 |
| Public works contracts | | |
| All contracting entities/authorities | 5,548,000 | 52,620,561 |
| Social services and other special services | | |
| All contracting entities/authorities | 750,000 | 7,113,450 |
| The limit for direct awards pursuant to LOU | | |
| All contracting entities/authorities | | 586,907 |
| | | |
| LUF and LUFS | | |
| Goods and services | | |
| Contracting entities/authorities | 443,000 | 4,201,678 |
| Public works contracts | | |
| Contracting entities/authorities | 5,548,000 | 52,620,561 |
| Social services and other special services | | |
| All contracting entities/authorities | 1,000,000 | 9,484,600 |
| The limit for direct awards pursuant to LUF and LUFS | | |
| All contracting entities/authorities | | 1,092,436 |
| | | |
| LUK | | |
| Concessions | Euro | SEK |
| All contracting entities/authorities | 5,548,000 | 52,620,561 |
| The limit for direct awards pursuant to LUK | | |
| All contracting entities/authorities | | 2,631,028 |

Direct awards may also be used if there are so-called overriding reasons and the value of the contract is between the limit for direct awards and the EU threshold amounts. In order for it to be permissible to perform a direct award, the criteria for using a negotiated procedure without prior publication must be fulfilled. If certain conditions are fulfilled, the contracting authority or entity may perform a direct award when the value of the contract is above the EU threshold amounts. The criteria for using a negotiated procedure without prior publication must in such cases be fulfilled. Such a procedure is sometimes called "a direct award under the directives." In direct awards above the limit for direct awards, exemptions are made from the legal requirements on open competition and publication of a contract notice. The European Court of Justice has stated that provisions on exemptions should be interpreted restrictively and that it is the entity which uses the exemption that must show the circumstances which make the exemption applicable. If a contracting authority believes it has the right to apply a rule on exemption, the burden of proof that all the conditions relevant for applying said rule are fulfilled falls upon that authority.

Relevant provisions

Main provisions in the Public Procurement Act (2016:1145) concerning the

aspects specifically addressed in Article 9.1. In most cases, there are corresponding provisions in the other procurement acts.

The obligation to publish procurement notices in public databases: Chapter 10 Section 1, Chapter 19 Section 9, and Section 2 in the Public Procurement Regulation (2016:1162).

Free and direct access to the procurement documents: Chapter 10 Section 7, Chapter 19 Section 14.

The obligation to publish information about the result of the procurement: Chapter 12 Section 12.

Conditions for participation

Selection criteria: Chapter 4 Sections 6 and 7, Chapter 13-15, Chapter 19 Section 18.

Award criteria: Chapter 16 Sections 1, 2 and 6, Chapter 19 Sections 24, 25 and 26.

Tendering rules

Time limits for submitting tenders and requests for participation: Chapter 11, Chapter 19 Section 15.

Communication of award decisions: Chapter 12 Section 12, Chapter 19 Section 29.

Publication of the result of the procurement: Chapter 10 Section 4.

Threshold values for the obligation to publish a notice: Chapter 5 Sections 1 and 2, Chapter 19 Sections 1, 7 and 9. See also the Government's Announcement (2018:34) on threshold values in public procurement.

Grounds for exclusion of suppliers: Chapters 13-15, Chapter 19 Section 18, communication with the supplier 12:13.

Grounds for rejection of tenders: Chapter 4 Section 1 (the principle of transparency and equal treatment), Chapter 9 Sections 6-11, 14, 15, 18 and Chapter 16 Sections 7 and 8 (abnormally low tender) and Chapter 19 Section 27.

Documentation of the procedure, among other things conflicts of interest and the handling thereof: Chapter 12 Section 16 and Chapter 19 Section 30 for the obligation to document the procedure in all procurements above SEK 100 000.

Direct award: Chapter 3, Chapter 19 Section 7.

Information on public procurements and contracts publicly available: the principle of public access, Chapter 19 Sections 32 and 33.

Supplementary information and amendments during the procurement procedure: Chapter 11 Section 8, Chapter 12 Section 11, Chapter 19 Section 28.

Consequences for breach of the procurement rules: Chapter 20 Sections 6, 13 and 20, Chapter 21 Section 1.

The means and powers of the supervisory body: Chapter 21 Section 2, Chapter 22.

Mandatory use of electronic means: Chapter 12 Section 1.

Predetermined conditions for participation (incl. publication) (b)

Information about conditions and publications is found in the relevant provisions mentioned above and from the general description of the system.

Criteria for procurement decisions (c)

Contracting authorities and entities must adopt the guidelines for direct awards and document the reasons for purchases exceeding SEK 100,000.

An effective review system (d)

Public procurements are reviewed by administrative courts. An application for a review can be made by a supplier that has been harmed or risks being harmed due to a violation of a provision in anyone of the Swedish Public Procurement Acts. The administrative courts may also order a contracting authority or entity to pay a procurement fine upon receiving an application from the supervisory authority. An application for a fine may for instance be made if a contracting authority or entity has made an illegal direct award of a contract (i.e., awarded a contract without a prior contract notice). The judgement by an administrative court can be appealed to an administrative court of appeal.

The Supreme Administrative Court is the supreme general administrative court and considers determinations on appeal from any of the four administrative courts of appeal in Sweden. Not all appeals will be considered by the Supreme Administrative Court. The main rule is that leave to appeal is only granted if the Supreme Administrative Court's determination may be of importance as a precedent, i.e., can provide guidance on how other similar cases should be considered.

Tenderers that consider themselves unfairly excluded, e.g., a bidder who that believes that a competitor should have been excluded, may apply to a general administrative court for a review.

An award decision in a public procurement can also be reviewed because of conflicts of interest. The application for a review can in these cases be based on the principles of equal treatment and non-discrimination in the Swedish Public Procurement Acts (Chapter 4, Section 1 of the Public Procurement Act or corresponding sections of the other three procurement acts). Alternatively, the application for review can be based on the rules against conflicts of interest in the Administrative Procedure Act.

An illegal direct award may be declared void and the authority that concluded the contract risks having to pay a procurement fine.

The competition Authorities' supervision can result in an application for a procurement fine, a supervisory decision or a report that is accompanied by supervisory decisions.

The Swedish Competition Authority may bring proceedings at a general administrative court requesting that a contracting authority be ordered to pay a public procurement fine.

The Swedish Competition Authority can apply for the imposition of a public procurement fine if an illegal direct award of contracts has taken place.

The Swedish Competition Authority must apply for the imposition of a public procurement fine if a court, when reviewing the effectiveness of an agreement, has determined that the agreement may continue to apply for certain reasons according to the law. The public procurement fine may not exceed ten per cent of the value of the contract in question and the maximum charge that can be imposed is SEK 10m. When calculating the amount of this administrative fine, special consideration should be given to how serious the violation is.

In contrast to an action for ineffectiveness, a public procurement fine may be imposed in the case of an illegal award of a contract not requiring prior contract notice even if the contracting authority has conducted voluntary ex ante transparency.

Conflicts of interest in procurement procedures (e)

The general rules regarding conflicts of interest are found in Sections 16-18 of the Administrative Procedure Act. However, for members of the municipal council or county council and other elected representatives in municipalities and county councils, the rules on conflicts of interest are found in Chapter 5, Sections 47-49, and Chapter 6, Sections 28-32, of the Local Government Act.

The Swedish rules concerning conflicts of interest have a wider scope than Article 24 of the Public Procurement Directive (and corresponding articles in the other

directives). Among other things they include personal involvement, conflicts of private interests, family ties, conflicts of organizational roles, and representative conflicts. Furthermore, the rules also include a general clause stating that those who, on behalf of an authority, are part of a proceeding in a manner that may affect the authority's decision in a matter, have a conflict of interest if there is any other particular circumstance that makes his or her impartiality in the matter questionable.

Anyone who is aware of a circumstance likely to constitute a conflict of interests for him or her shall immediately report it to the authority where the case is being handled or the decision is being made. A person having a conflict of interest may neither participate in the handling of the case nor attend when the matter is settled. Should anyone participate in a decision, despite having a conflict of interest, the subject of the decision may appeal the decision to the administrative courts.

Contrary to what appears from EuroPAM, in some cases, violations of conflicts of interest law may result in penalties. Under Sections 14-16 of the Public Employment Act, an employee who intentionally or negligently violates his or her duties in employment may be subject to disciplinary action in the form of a warning or a salary deduction. Knowingly allowing conditions of conflict of interest to, in any respect, affect one's actions may also be punishable under Chapter 20, Section 1, of the Criminal Code.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Value of public purchases

Each year, the public sector makes purchases for an estimated SEK 683 billion.

Number of procurement procedures

In 2017, 18 525 public procurement notices were published according to the procurement legislation. About 45 percent are covered by the procurement directives of the European Union. In 94 percent of all published procurements, a single step procedure was applied (i.e. simplified procedure and open procedure).

Statistics about review procedures

6,5 percent of all published procurements were subjected to review procedures (where the complainant is an economic operator and not the supervisory

authority). According to the Swedish Competition Authority and the National Agency for Public Procurement, the most common sources for wrong application or legal uncertainty are lack of planning, inadequate resources, lack of knowledge about the provisions, political pressure and deficiency in transparency in the procurement documents. According to a study encompassing 1 000 procurements (published 2015 and 2016) that had been subjected to a review procedure, the grounds for the applications were: shortcomings in the procurement documents in 45 percent of the applications, incorrect handling of the qualification criteria in 40 percent of the applications, and incorrect handling of the technical requirements on the procuring object in 30 percent of the applications. In some applications, more than one ground was presented. In 80 percent of the procedures, the court decided not to intervene. This means that 1,3 percent of all published procurements had to either recommence or be corrected before conclusion.

During 2018, the Swedish Competition Authority applied for procurement penalty fees in 27 cases, all of them concerning questionable direct awards.

Statistics about conflicts of interest in procurement procedures

The Swedish Competition Authority concludes that approximately 5-10 percent of the prioritized procurement matters handled by the authority, indicates the presence of corruption, in a broad definition. When it comes to bribery, there were 25 cases in Sweden in 2018. Two of these were procurement related. One of them led to a conviction in first instance but both are appealed.

Share of procurements with direct access to the documents

In the European Commission's evaluation (2019) of the Swedish e-procurement system, it is concluded that 99 percent of the 2018 procurements that are covered by the EU procurement directives fulfills the criteria of direct access to the procurement documents. This means that the procurement documents are directly accessible for everyone and free of charge.

Number of procuring officers and purchasers

According to Statistics Sweden's (a national agency) occupational statistics, the latest publication (March 2019) shows that there were 3 642 procurement officers and purchasers in public sector in 2017. In addition to this, there is also a market for procurement consultants.

Efficiency in the review system

The average decision speed at the administrative courts is 2,9 months, for delivering a decision in an appeal.

Efficiency in the procurement procedures

According to the European Commission's statistics on decision speed (the time between the tender deadline and the award decision) in public procurements, Sweden has the lowest listing among all EU member states that were included in the survey. Only Liechtenstein had a lower number (30 days) 2018. The European Commission considered a decision speed below 120 days to be satisfactory.

A measure to enhance the efficiency of the public procurement is the establishment of the National Procurement Services, that is a department within the central government authority Kammarkollegiet since 2011. The National Procurement Services concludes and administers more than 1 900 unique framework agreements over 43 fields, for example a wide variety of ICT products and services, office furniture, office equipment, hotels and conferences, safety and security, transportation and vehicles etc. The task of the National Procurement Services is specified in the government regulation concerning Kammarkollegiet and in the ordinance on coordinated public procurement (1998:796). In short, the task is to offer central government authorities coordinated framework agreements for goods and services of general use. In the area of information and communication technology (ICT), local and regional authorities as well as central government authorities can use these framework agreements. Central government authorities are obliged to use the National Procurement Services framework agreements unless they find another form of procurement better overall. The National Procurement Services has developed a work process in order to ensure quality in the procurement activities. An electronic procurement system was implemented as activities begun in 2011. Feasibility studies are carried out in cooperation with users, i.e. representatives from central government authorities and, in the case of ICT products and services, regional and local authorities. When defining requirements for the tendering process, social and environmental aspects as well as the possibility for small and medium-sized enterprises to place tenders are taken into account.

Guidance on anti-corruption measures in the public procurement area

The National Agency for Public Procurement offers guidance on anti-corruption measures at a strategic level and measures at different phases of the procurement process. There is also a guidance paper "Corruption in public procurement: what is it and how can it be prevented?" The agency also offers training material for contracting authorities and entities to raise the awareness of the concept of corruption and conflict of interest, both in general and in public procurement specifically, as well as information on best practice.

There are also a number of other actors who work to prevent corruption. For example, The Swedish Association of Local Authorities and Regions offers general guidance to local authorities and regions on anti-corruption. The Swedish Anti-Corruption Institute has developed a code of conduct for economic

operators: Code on Gifts, Rewards and other Benefits in Business.

The Swedish Competition Authority also work with the prevention of corruption. Anti-competitive behaviors such as collusion and bid-rigging in public procurement are covered by Chapter 2 Section 1 of the Swedish Competition Act. In the work to prevent and detect collusion in public procurements, the Swedish Competition Authority has several tools.

- a tip-off line,
- an anonymous whistle-blower system,
- the leniency programme,
- screening of procurement data with the purpose of detecting and investigating infringements related to public procurement,
- an online question forum,
- a checklist: Twelve ways to detect bid-rigging cartels,
- an interactive guidance for tenderers on cooperation in public procurement, and
- a guide describing the rules governing cooperation between competing companies within the framework of an industry organization.

The Ministry of Finance has suggested a bill that establishes a national statistical database for procurement, which also would improve the possibilities for cartel screening, as well as for screening of other types of serious irregularities.

23. Paragraph 2 of article 9

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

- (a) Procedures for the adoption of the national budget;
- (b) Timely reporting on revenue and expenditure;
- (c) A system of accounting and auditing standards and related oversight;
- (d) Effective and efficient systems of risk management and internal control; and
- (e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

(a) Procedures for the adoption of the national budget;

The procedures for the compilation and adoption of the Budget are regulated through the Instrument of Government, the Riksdag Act and the Budget Act. Failure to comply with any or all the stipulated regulations may result in a hearing by the Parliamentary Committee on the Constitution, which may subsequently bring about a vote of no confidence against the Minister of Finance.

According to the Instrument of Government, the Riksdag is tasked with deciding on taxes and expenditures. The decision is to be based on a proposal put forward by the government in the form of a Budget Bill. This is the only bill regulated in the Swedish constitution.

The Riksdag Act further specifies that the Budget Bill is to be submitted no later than September 20 in years when there is no election. The Budget Bill shall contain a financial plan and proposals for the central government budget for the coming year. Expenditures shall be broken down into expenditure areas. The Riksdag Act further restricts submissions of bills with proposals that affect the central government budget for the coming year once the Budget Bill has been presented to the Riksdag. The Budget Bill shall also comprise all income and expenditures, as well as other payments that affect the central government borrowing requirement.

The central government budget process is transparent and accessible to the media and public at each step of the process. This entails the pre-budget statement, the

Budget Bill, any amendments, the Parliaments decision, the Enacted budget, and the Central Government Annual report being made available to the public in written format and through the official website on the day they are presented to the Riksdag. The style guide for the mentioned documents stipulates that the language used in these documents shall be accessible to all citizens, comprehensible, and clear.

A pre-budget statement is included in the Spring Fiscal Policy Bill and is made available to the public in April, well in advance of the Budget Bill being presented to the Riksdag. The Spring Fiscal Policy Bill is publicly available in its entirety on the Ministry of Finance's webpage on the day it is presented to the Riksdag. All the numerical data in the Spring Fiscal Policy bill are also made available in a machine-readable format. A “citizens version” is produced as well (<https://www.regeringen.se/artiklar/2019/04/varbudgeten-2019-pa-fem-minuter/>).

The Budget Bill is publicly available in its entirety on the Ministry of Finance's webpage on the day it is presented to the Riksdag. All the numerical data in the Budget Bill are also made available in a machine-readable format. A “citizens version” is produced as well (<https://www.regeringen.se/artiklar/2017/09/budgeten-for-2018-pa-fem-minuter/>).

Parts of the central government budget that affect citizens the most are decentralised to the local level. The local level is organized around municipalities (kommuner) and counties (landsting/regioner). That is where specific budget spending decisions on schools, health, infrastructure, culture, housing, etc take place. There is a participation mechanism at around two thirds of the 290 municipalities called citizens' suggestions (medborgarförslag), and the same at around half of the 20 counties. Citizens can make suggestions regarding the budget through those venues.

At the central level, however, public input is limited. Citizens can mainly influence government decisions through their elected Member of Parliament, who are able to motion the government's proposals.

(b) Timely reporting on revenue and expenditure.

The governments reporting requirements to the Riksdag are regulated in chapter 10 of the Budget Act. See the excerpt below from the English translation of the Budget Act. (<https://www.government.se/4b0eb3/contentassets/0d05209c49824d86bd3d977f4cfaa568/2011203-budget-act>)

Chapter 10 Accountability and auditing

General provisions on accounting

Section 1

The Government is accountable to the Riksdag for the assets that the

Government administers and has at its disposal. The Government's accountability also includes the activities conducted by central government and central government debts and other financial commitments.

Generally accepted accounting principles and a true and fair view

Section 2

Central government bookkeeping and accounting shall be performed in a manner that is consistent with generally accepted accounting principles.

The accounts shall give a true and fair view of central government activities, the financial position and performance, and the management of central government assets.

Accounting of the results of operations

Section 3

In the Budget Bill, the Government shall present an account of the results that have been achieved in activities relative to the targets adopted by the Riksdag. The account shall be drawn up in accordance with the expenditure areas. Act (SFS 2014:866).

Accounting of tax expenditures

Section 4

The Government shall present an account of tax expenditures to the Riksdag each year.

Central government annual report

Section 5

The central government annual report shall be presented to the Riksdag no later than 15 April of the year following the budget year.

Section 6

The central government annual report shall contain:

1. follow-up of the Riksdag decision on general government net lending (the surplus target), the expenditure ceiling and other broad budget policy targets;
2. the outcome under budget income headings and appropriations and of the central government borrowing requirement;
3. an account of how the Government has used the authorisations it has received pursuant to Chapter 6, Section 1, first paragraph, and Chapter 6, Section 3;
4. a statement of financial performance, a statement of financial position, a statement of cash flow, and notes;
5. a report on the development of the central government debt;
6. information on expected losses and significant risks associated with central government lending and guarantees provided that have been decided on under Chapter 6, Section 3;
7. a presentation of the measures taken by the Government in response to observations made by the Swedish National Audit Office;
8. a statement of financial performance and a statement of financial position regarding EU funds and a cash-based account of appropriations and income headings concerning payments to and from the EU; and
9. a statement from the Government concerning whether - the accounts required under point 8 have been drawn up in accordance with generally accepted accounting principles and give a true and fair view, and - rules and systems exist

aimed at creating satisfactory internal governance and control of EU funds. In connection with the accounts required under the first paragraph, point 2, the Government shall explain significant differences between budgeted amounts and the outcome.

Section 7

The statement of financial performance, statement of financial position and statement of cash flow shall encompass all central government income and costs, assets and liabilities, and payments that affect central government net borrowing. However, the Government may decide that a certain activity or a certain asset or liability shall not be included in the statement of financial performance, statement of financial position and statement of financial position and statement of cash flow. The Government shall provide information about the reasons for this in the central government annual report.

Section 8

In the statement of financial performance and statement of financial position:

1. the same principles for the valuation, classification and itemisation of the various items shall be applied from one budget year to another;
2. the valuation of the various items shall be made on a prudent basis;
3. income and costs that belong to the budget year shall be included irrespective of when payment is made;
4. the various components that make up the statement of financial position shall be valued separately;
5. assets and liabilities or income and costs shall not be set off against one another; and
6. the opening balance for a budget year shall agree with the closing balance for the immediately preceding budget year.

If it is compatible with what is prescribed in Section 2, the Government may deviate from the first paragraph. The Government shall provide information on the reasons for the deviation and present an assessment of its impact on the financial position and performance.

Section 9

The statement of financial performance shall contain the following headings: Income, Costs, Profit/loss from shares in wholly owned and part-owned companies, Financial income and costs, and Surplus/deficit for the year.

The statement of financial position shall contain the following headings on the asset side: Fixed assets (Intangible assets, Tangible assets and Financial assets), Lending, Inventories etc., Receivables, Cut-off entries, Current investments, and Cash and bank balances. It shall contain the following headings on the liability side: Net wealth, Funds, Provisions, Central government debt, Liabilities etc., and Cut-off items.

The statement of cash flow shall contain the following headings: Central government activities, Investments, Lending, Financial activities, and Central government net borrowing.

Beneath the headings, the accounts shall be itemised.

Section 10

For every item in the statement of financial performance and statement of financial position and in the statement of cash flow, the figure for the corresponding item in the immediately preceding budget year shall be stated.

If the Government has amended the principles underlying valuation, classification or itemisation or the limitation of the central government sector under Section 7,

the items for the immediately preceding budget year shall be recalculated or amended as necessary to make it possible to compare them in a meaningful way with the items in the budget year.

If there are special reasons and it is compatible with generally accepted accounting principles, what is prescribed in the second paragraph may be deviated from. In that case, the Government shall provide information about the reasons for this.

Audits

Section 11

Provisions on audits of central government activities are given in Chapter 13 of the Instrument of Government and in the Auditing of State Activities, etc. Act (2002:1022).

[END OF EXCERPT]

Official statistics on the central government budget, etc.

ESV is a statistics agency for the central government budget in the area of Public Finances. ESV compiles the publication “Time Series of the Outcome of the Central Government Budget”, which is published in the series “Sweden's Official Statistics”. In addition to reporting the outcome by expenditure and revenue areas, it contains real economic distribution and the appropriate allocation of expenditure to the various cuts.

Moreover, ESV is responsible for compiling data and producing the basis for what then became the Central Government Annual Report.

Central Government Annual Report

The Government submits an annual report of the entire central government operations to the Riksdag. ESV produces the basis for the Central Government Annual Report and submits it to the Government by the 15th of March each year. This basis consists of a sheet statement of financial performance and a statement of financial position, as well as a cash flow statement with notes for all central government agencies.

It is comprising information from the old age pension system, state owned enterprises, and all the government agencies annual reports, which is submitted through the centralized budget system - Hermes. The basis for the Central Government Annual Report also contains other supplementary information on e.g., contributions to and subsidies from the EU. The statement of financial performance and statement of financial position are consolidated, i.e., they are produced with methods corresponding to those used in consolidated financial accounts.

National accounting

ESV produces national accounting information for the central government. This is referred to as the basis for the central government net lending. The starting

point of the calculations are the rules, definitions and classifications that apply to the Member States of the EU.

The result of the calculations forms the basis of the national accounting calculations at Statistics Sweden (SCB) and is used for financial analysis. The result is also used to calculate EU contributions and follow up EU countries' economic situation. To a certain extent, the net lending is also used in auditing in accordance with the convergence criteria.

ESV performs the calculations on a quarterly basis and publish the results within two months of the end of the quarter.

Additional relevant information

See below for more information and examples of timely reporting practices (only in Swedish):

[<https://www.regeringen.se/rattsliga-dokument/skrivelse/2019/04/skr.-201819101/>](https://www.regeringen.se/rattsliga-dokument/skrivelse/2019/04/skr.-201819101/)

[<https://www.government.se/legal-documents/2019/06/skr.-201819101/>](https://www.government.se/legal-documents/2019/06/skr.-201819101/)

[<https://www.esv.se/statens-ekonomi/prognos-och-utfall/arsredovisning-for-staten/>](https://www.esv.se/statens-ekonomi/prognos-och-utfall/arsredovisning-for-staten/)

[<https://www.esv.se/statens-ekonomi/prognos-och-utfall/utfall-for-statens-budget/svensk-ekonomisk-och-finansiell-statistik/>](https://www.esv.se/statens-ekonomi/prognos-och-utfall/utfall-for-statens-budget/svensk-ekonomisk-och-finansiell-statistik/)

[<https://www.esv.se/statens-ekonomi/prognos-och-utfall/arsredovisning-for-staten/>](https://www.esv.se/statens-ekonomi/prognos-och-utfall/arsredovisning-for-staten/)

Summaries in English:

<https://www.government.se/legal-documents/2019/06/skr.-201819101/>
<https://www.esv.se/english/outcome-of-the-central-government-budget/>

(c) A system of accounting and auditing standards and related oversight;

External audit

The Swedish National Audit Office (NAO, Riksrevisionen) is the official financial and performance audit agency. It is the Supreme Audit Institution, independent of the Government and placed under the Constitution Committee in the Riksdag.

The audit is set out in the Act (2002:1022) on Auditing of State Activities. In the annual financial audit, the NAO audits and evaluates whether the financial statements of the government authorities are credible and correct, if the accounts are true and fair, and whether the management of the authorities are following current ordinances, rules, and regulations. The NAO also audits the government's annual report for state operations, the Central Government Annual Report.

The NAO performance audits where it audits the government authorities' efficiency. The aim of the audit is to evaluate how well the subject is achieving its goals and the appropriateness of the organization, operations, process, or function in relation to its purpose.

The NAO conducts an internal program for quality assurance of auditor competence for financial audit. The program consists of an in-house training program and a test operation conducted in collaboration with and within the framework of the Swedish Inspectorate of Auditors test activities.

The NAO requires theoretical and practical training for auditors. This entails a minimum of an undergraduate degree with a focus on economics. Moreover, the compulsory qualifying program for auditors is five years and consists of several courses spread over various subject areas such as audit methodology, accounting and auditing, financial management and auditing law. The training comprises about one hundred class hours per year. As far as practical training is concerned, it must have covered at least one year in state auditing.

The annual audit (financial audit) shall be conducted in accordance with generally accepted auditing standards. In a strategic decision for the audit activity, the Auditors have decided that INTOSAI's standards for financial auditing ISSAI (ISA supplemented with guidance for public sector auditing) should be applied in the annual audit.

The NAO has a number of employees who are authorized public accountants. These are thus subject to the Swedish Inspectorate of Auditors' supervision. This also means that the NAO as an organization is regularly subject to external follow-up and control of how standards are applied for quality assurance.

For more information about the Swedish NAO, see their webpage:

[<https://riksrevisionen.se/en.html>](https://riksrevisionen.se/en.html)

Internal audit

For 70 of the largest Swedish authorities the government has decided that there shall be an internal audit function. The audit is regulated in the Internal Audit Ordinance (2006:1228). The respective authority's management decides on guidelines and audit plan for the internal audit, as well as measures based on the internal audit's observations and recommendations.

The state internal audit shall be conducted in accordance with generally accepted internal audit standards and generally accepted internal auditing standards.

The Swedish Financial Management Authority (ESV) is tasked with managing, developing and coordinating the state internal audit. The task includes, among

other things, to submit an annual report on the state internal audit to the government. In the report, ESV presents, inter alia, the authorities' compliance with the Internal Audit Ordinance. This report also includes the state internal control, see section 2d.

See also ESV's webpage (only in Swedish):

[<https://www.esv.se/statlig-styrning/intern-styrning-och-kontroll/internrevision/>](https://www.esv.se/statlig-styrning/intern-styrning-och-kontroll/internrevision/)

Financial management ratings

At the government's initiative, there is a monitoring instrument in the administration for exercising control over the financial management of government agencies, as a complement to external audit.

The monitoring instruments is a system for rating the financial management of government agencies (FM ratings). The FM rating serves as a monitoring instrument that can be used not only by the government, but also by the agencies themselves. The FM rating is not intended to be used for the purposes of financial management, but merely as an observational tool.

The government has granted ESV the role of compiling the FM rating. ESV is the central government authority responsible for government accounting, providing forecasts and harmonizing financial and performance management. ESV submits a report in the format established by the government in April each year. The role of compiling FM ratings is included in the government's instructions to ESV.

FM ratings for each government agency are drawn up by ESV and reflect how well the agency in question's financial management practice conforms to the financial rules and regulations. The FM rating measures compliance with the financial management rules by pointing out negative deviations or where there is room for improvement or development.

The FM rating for 2018 (only in Swedish):

[<https://www.esv.se/contentassets/a525a909c411401a9f14e9d477256f57/ea-vardering-2018-resultat-och-analys.pdf>](https://www.esv.se/contentassets/a525a909c411401a9f14e9d477256f57/ea-vardering-2018-resultat-och-analys.pdf)

(d) Effective and efficient systems of risk management and internal control;

Authorities under the government must comply with the Government Ordinance (2007:515). The ordinance regulates, inter alia, that the authority's management is responsible to the government for the operation. The authority's management shall ensure that it is conducted efficiently and in accordance with applicable laws and obligations arising from Sweden's membership of the EU, that it is accounted

for in a reliable and fair manner and that the authority manages state funds efficiently.

The ordinance also regulates that the authority's management shall decide on a procedure where delegation of decision-making authority within the authority shall be stated, an activity plan for the authority, and that it shall ensure that the authority has an internal control that functions satisfactorily.

The authorities that the government decides must comply with the Internal Audit Ordinance (2006:1228) shall have an internal audit to review and submit proposals for improvements to the authority's process for internal control. The Internal Audit reports to the authority's management. The internal audit covers the entire operations for which the authority is responsible.

The authorities that must comply with the Internal Audit Ordinance must also comply with ordinance (2007:603) on internal control at central government agencies. The ordinance sets certain requirements for how the process for internal control is to be designed, including that it should comprise preventing the business from being exposed to corruption, undue influence, fraud and other irregularities.

The authorities that comply with the ordinance on internal control should assess whether the internal control is satisfactory in their annual report. The annual report, and the assessment, is reviewed by the National Audit Office (NAO, Riksrevisionen), who makes an opinion on the assessment in its audit report.

ESV is tasked with managing and developing internal control within the state. The authority shall also manage, develop, and coordinate the state internal audit. The task includes, among other things, to submit an annual report on the state internal audit and the authorities' internal control. In the report, ESV presents, inter alia, the authorities' compliance with the Internal Audit Ordinance and provides an overall picture of the authorities' annual assessments on internal control.

The 2018 annual report (only in Swedish):

[<https://www.esv.se/contentassets/0fcf4a9da330479dbbe2f220ade2404d/esv-2018-34-internrevision-och-intern-styrning-och-kontroll.pdf>](https://www.esv.se/contentassets/0fcf4a9da330479dbbe2f220ade2404d/esv-2018-34-internrevision-och-intern-styrning-och-kontroll.pdf)

- (e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph

The National Audit Office's annual audit of authorities' financial statements is completed with an audit report. In cases where the audit report deviates from the standard statement (modified), the government reports the deviation to the

Riksdag in the Central Government Annual Report. Each case is followed up in the next Budget Bill with an account of actions taken by the relevant agencies.

In cases where the NAO has presented criticism or made recommendations to an authority, the critique is followed up in the agency dialogue exercise that the government carries out annually with the management level of each agency.

The NAO's performance audits are reported to the Riksdag, which, in direct connection with the submission of the report, invites the government to respond to the report to the Riksdag. This is done through a written communication that the government has four months to produce (the time is extended over the summer break). In the communication, the government provides its view on the NAO's findings and an assessment of how the recommendations made in the report should be handled.

A summary of the last year's performance audits is provided to the Riksdag in the Central Government Annual Report.

The number of modified audit reports that the NAO has submitted for the agencies' annual reports has in recent years amounted to about 15 per year. However, for 2018 the number was 20.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

Sweden has no examples to provide.

24. Paragraph 3 of article 9

3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden hasn't taken or planning to take any measures/steps as Sweden is in full compliance with this provision. The Archives Act (1990:782) regulates the obligation of state and municipal authorities and certain other bodies to preserve documents. The basic principle is that general documents must be preserved for a certain period of time, which is related to the significance of the document. Documents may be destroyed when the time for preservation has expired or if there is otherwise a rule permitting destroying. Destruction cannot be executed at the expense of the constitutional right of access to public records, the need of courts and government administrative bodies to obtain information, or the requirements of researchers. The Archive Act codifies these principles regarding public records. The archives must be maintained so that they are protected from destruction, damage, attacks and unauthorized access.

The Book-keeping Act (1999:1078) contains detailed rules on what accounting documents should be available, how they should be protected and how long they must be kept. The penal liability for accounting violations is regulated in chapter 11, section 5 of the Criminal Code. Anyone who intentionally or through negligence in the manner specified in the article breaches the accounting obligation in accordance with the Book-keeping Act is convicted of accounting violations. The rules in the Book-keeping Act on accountability are not applicable to the state, municipalities, county councils, municipal associations and regional associations (chapter 2, section 5 of the Book-keeping Act). In practice, the same accounting standard is maintained in these operations, but penal liability for accounting violations cannot be claimed. If accounting documents arising from an activity for which the Book-keeping Act does not apply are destroyed, rendered unusable or concealed, penal liability can be claimed (chapter 14, section 4 of the Criminal Code).

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Sweden has no examples to provide.

25. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530 Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0** (NO) No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

10. Public reporting

26. Subparagraph (a) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

To guarantee an open society in which everyone has access to information about the work done by the Riksdag, the Government and other public bodies, the principle of the public access to information is provided for in the Swedish constitutional law. The principle of public access to information means that the public and the mass media - newspapers, radio and television - are entitled to receive information about state and municipal activities. The principle of public access to information is expressed in various ways:

- everyone is entitled to read the documents of public authorities: access to official documents;

- officials and others who work for the state or municipalities are entitled to say what they know to outsiders: freedom of expression for officials and others;

- officials and others in the service of the state or municipalities are normally entitled to disclose information to newspapers, radio and television for publication or to personally publish information: right to communicate and publish information;

- the public and the mass media are entitled to attend trials: access to court hearings;

- the public and the mass media may attend when the chamber of the Riksdag (the Swedish Parliament), the municipal assembly, county council assembly and other such bodies meet: access to meetings of decision-making assemblies.

The principle of public access to official records is central to the Swedish legal system. According to this principle, the public has the right to transparency and access to information about state and local government activities.

To encourage the free exchange of opinion and availability of comprehensive information, every Swedish citizen shall be entitled to have free access to official documents. (Chapter 2, Article 1, Freedom of the Press Act)

All documents that contain information of some kind are official documents: text, images or information stored in some other format, for example, on a computer. A document is classified as official if it has been submitted to, was drawn up by or is in the keeping of a public authority. In principle all official documents are public and must be made available to anyone wishing to read them.

Official documents may in certain cases be classified as secret if they contain information relating to the security of the realm, the personal or financial circumstances of individual citizens or crime prevention activities by public authorities. Memoranda and draft decisions are not normally classified as official documents.

There are certain exemptions from the principle of public access, but they are precisely exemptions. Access to public documents may be restricted if they protect the following interests:

- The security of the realm or its relations with another state or international organization
- the central fiscal, monetary or currency policy of the Realm
- the inspection, control or other supervisory activities of a public authority
- the interest of preventing or prosecuting crime
- the economic interests of the public institutions
- the protection of the personal or economic circumstances of private subjects, and
- the preservation of animal or plant species

With regards to the protection of personal data, a public document may not be disclosed if personal data included in the document risks being processed contrary to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

The case list for the cabinet meetings are published on the government's website. All enacted bills are published. Other government decisions are published on the

government website to varying degrees, based, e.g., on expected public interest. Government decisions are usually public and available to the public upon request.

Documents pertaining to government affairs are normally to be regarded as public documents. That means the final product (the decision itself) and the documents that relate to that decision are normally available to the public, provided that no provision on confidentiality applies in relation to all or part of the contents of the document. Confidentiality may apply to documents regarding the internal affairs of the Swedish Government Offices, e.g., on account of national security or relationships to other states or international organizations, or for some other reason. As a rule, however, documents related to government matters are public and are thus available to everyone.

In the process planning of legislative matters, the written consultation procedure and the responses that are sent to the Swedish Government Offices are considered to be public documents. It is very unusual for a response to contain information that must remain confidential. The comments of the bodies consulted may therefore normally be disclosed at the request of an individual. It has recently also become more common for the comments to be made available on the government's website. ■

A person who wishes to obtain an official document should refer to the public authority keeping the document. The person has the right to read the document at that place (provided the document is not secret). If the document cannot be read or be comprehended in any way without using technical aids, the authority must make such equipment available, for example, a tape-recorder in the case of a tape-recording. A document may also be transcribed, photographed or recorded. If a document is secret in part, those parts of the document that are not secret must be made available in transcript or by a copy. Exceptions to the rules described here regarding having sight of the document at the place have been made where, among other things, this 'causes serious difficulty'. Those wishing to obtain official documents are also entitled to obtain a transcript or a copy of the document for a fee. However, an authority is not obligated to provide a document for automatic data processing in a form other than a printout on paper, unless otherwise prescribed by law. However, it may on many occasions be appropriate to provide an official document electronically.

Those who wish to obtain official documents need not describe the document precisely, for example, state its date or registration number. But on the other hand, authorities are not liable to make extensive inquiries in order to obtain the document for the applicant when he or she cannot provide the authority with further details of the document. A request to obtain an official document must be considered speedily by the authority. An official currently working with the document need not release it immediately but unnecessary delay is not permitted. One reason for some delay in the provision of an official document may be that

the authority must consider whether the information contained in the document is secret, according to one of the provisions of the Public Access to Information and Secrecy Act. Sometimes it is an authority other than the one where the document is held that must determine the issue of secrecy. In that event, the request for the provision of the document should be submitted at once to the authority that will decide on the matter. An authority may not demand that a person who wishes to obtain an official document identifies himself or herself or state what the document is to be used for. However, if it relates to a document falling under one of the provisions of the Public Access to Information and Secrecy Act, the authority must sometimes know who wishes to obtain it and what it will be used for. Otherwise, the authority might not be able to make a decision concerning whether the document may be made available. In that event the applicant may either say who he or she is and state what the document will be used for (for example, research) or relinquish any possibility of obtaining it. An authority has, under certain circumstances, the possibility of providing a document subject to conditions ('reservations') restricting the applicant's right to use the information contained within the document. The authority may, for example, forbid the applicant to publish the information or to use it for purposes other than research. A person whose request to obtain a document has been rejected or whose request to an official document has been granted subject to reservations, is normally entitled under the Freedom of the Press Act to request that the matter be reviewed by a court. The Public Access to Information and Secrecy Act contains provisions concerning when reservations may be imposed and the court to which appeals should be addressed. The decision of an authority to provide an official document cannot be appealed against.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Sweden has no examples to provide.

27. Subparagraph (b) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

...

(b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Swedish public administration has for a very long time been characterized by transparency. In 1971, a uniform and unified regulation of the procedure at the authorities was created - The Administrative Procedure Act. The regulation has been gradually expanded, e.g. during the 1980s with provisions on the public service obligation of the authorities towards the public, and over time it has become increasingly important in the ongoing work of the authorities' activities.

The most recent Administrative Procedure Act came into force on July 1, 2018. The Act provides a basic and central structure for the contacts between authorities and individuals in case management.

Section 6 of the Administrative Procedure Act states that an authority must ensure that contacts with individuals become flexible and simple. Furthermore, it states that an authority must provide help to an individual without delay so that he or she can take care of his interests.

According to Section 7 of the Administrative Procedure Act, an authority must be available for contacts with individuals and inform the public about how and when such can be taken. Furthermore, the Authority shall take necessary measures regarding accessibility for it to fulfill its obligations to the public in accordance with Chapter 2 in the Freedom of the Press Act on the right to access to public documents.

Section 9 of the Administrative Procedure Act states that a case must be handled as simply, quickly and cost-effectively as possible without compromising legal certainty.

Section 10 of the Administrative Procedure Act states that anyone who is a party to a case has the right to access all material that has been added to the case. The

right to access data applies with the restrictions that follow from Chapter 10 Section 3 of the Public Access to Information and Secrecy Act.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Sweden has no examples to provide.

28. Subparagraph (c) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

...

(c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

This is only one example of action a state party can take. Sweden has not taken such a measure.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Sweden has no examples to provide.

29. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

11. Measures relating to the judiciary and prosecution services

30. Paragraph 1 of article 11

1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Overview of the judicial system

The Instrument of Government (Chapter 11, Administration of Justice) establishes the judicial system in Sweden and is reinforced by several other laws, including in particular the Code of Judicial Procedure and the Administrative Court Procedure Act (1971:291). The status of judges is also governed in principle by the general provisions of the Public Employment Act (1994:260), as complemented by the more specific Act (1994:261) respecting the employment of public servants in positions of authority. If the provisions of the Act (1994:261) contravene those of the Public Employment Act, then the provisions of the former prevail. Section 7 of the Act (1994:261) establishes that the subjects of the act can only be dismissed from employment pursuant to the provisions of the act. In the case of permanent judges, the relevant provisions state that they can only be removed from office in accordance with the provisions in Chapter 11, Section 7 of the Instrument of Government. A permanent judge has a stronger employment protection than other state employees.

The independence of the judiciary is enshrined in the Instrument of Government. In accordance with Chapter 11, Section 3, “neither the Riksdag, nor a public authority, may determine how a court of law shall adjudicate an individual case or otherwise apply a rule of law in a particular case. Nor may any other public authority determine how judicial responsibilities shall be distributed among individual judges.” No individual or institution may give a directive to a judge in an individual case.

As a rule, court decisions are rendered by permanent judges. This category includes, inter alia, Justices of the Supreme Court and the Supreme Administrative Court; presidents, senior judges and judges in the Courts of Appeal and the Administrative Courts of Appeal; chief judges (heads of court), senior judges

(heads of division) and judges in the District Courts and the Administrative Courts. Many permanent judges have followed a specific career path which implies working as “non-permanent judges” (“assistant judges”, “co-opted judges” and “associate judges”). Non-permanent judges participate in the adjudication in the District Courts, the Courts of Appeal, the Administrative Courts and the Administrative Courts of Appeal.

The central administration of the courts rests with the Government (Ministry of Justice). The latter adopts the terms of reference for each type of court and issues annual appropriation directions, which specify the objectives to be met, the information expected from the National Courts Administration during that year (e.g. what measures have been taken to reduce processing times in courts), as well as information about the budget (as decided by the Riksdag). The Government may also give the National Courts Administration specific assignments (e.g. to evaluate safety measures in courts). The National Courts Administration is mainly responsible for providing administrative support and services to the courts, and, for administrative purposes, leading and coordinating activities relating to the courts, while at the same time respecting the independence of the judiciary. It submits an annual report to the Government.

Recruitment, career and conditions of service

All permanent judges are appointed by the Government (Chapter 11, Section 6 of the Instrument of Government) for an indefinite period of time, following an open competition and upon a recommendation by the Judges Proposals Board in accordance with the provisions of the Act (2010:1390) on the appointment of permanent judges. The procedure is the same in the courts of first instance, the courts of appeal and the Supreme Courts. Most non-permanent judges, e.g. assistant judges and associate judges, are employed until further notice. Lay judges are hired for a term of four years.

The Judges Proposals Board is an independent state authority. The board consists of nine members. They hold broad experience and competence in the legal field. In accordance with European standards, a majority of the members are judges nominated by the courts. They represent different types of courts and court instances. Two members are lawyers operating outside the judiciary, one of them must be a member of the Swedish Bar Association. Furthermore, two members represent the public. The main task of the Judges Proposals Board is to prepare all matters concerning the appointment of permanent judges and to propose to the Government on suitable candidates.

The procedure before the board is transparent. The Judges Proposals Board inform on vacant positions through advertising. The appointment of permanent judges is always based on the submission of written applications by those interested in a particular vacancy. The Judges Proposals Board submits motivated

proposals to the Government detailing which of the applicants is best suited for the post. The protocol is sent to the applicants and is accessible to the public. The applicants and their merits, and the board's assessment of them in its proposal to the Government are all public records. The Government is not bound by the board's proposal, but it cannot appoint a person who has not first been heard by the Board. If the Government intends to appoint a person not suggested by the Board, it is obliged to refer the matter back to the Board. The Ministry of Justice reviews the matter thoroughly and, finally, it is presented to a cabinet meeting for decision.

Appointments of judges must be based only on objective factors such as merit and competence (Chapter 11, Section 6 of the Instrument of Government). All legally trained judges must be Swedish citizens and must have passed the professional examinations prescribed for qualification for judicial office. No person declared bankrupt or who is legally represented by an "administrator" may exercise judicial office. Normally, during the competition for the post of permanent judge the Judges Proposals Board obtains references from the applicant's current and recent employers. The board can also give other authorities and organisations an opportunity to make comments, for example the Swedish Prosecution Authority and the Swedish Bar Association. Before the board submits its proposal to the Government the criminal records system is consulted.

Many permanent judges have followed a specific career path that begins after graduation (Bachelor of Laws degree) and entails working as a law clerk at a District Court or Administrative Court for two years. After that it is customary to apply to become a legal clerk at a Court of Appeal or an Administrative Court of Appeal for at least one year, followed by a period of at least two years as an assistant judge at a District Court or Administrative Court. The period of service as an assistant judge is followed by at least one year as a co-opted member of a Court of Appeal or an Administrative Court of Appeal. After completing this period of training, the legal clerk is appointed associate judge.

It is not possible to promote/degrade judges to higher/lower courts. A permanent judge can be appointed to another position only through the ordinary procedure for the appointment of judges, i.e. after an open competition and a proposal from the Judges Proposals Board.

According to Chapter 11, Section 7 of the Instrument of Government, a transfer of a permanent judge is possible only if organisational considerations so dictate, and only to a judicial office of equal status (i.e. the salary and the tasks must be the same or substantially the same). Matters regarding transfer of permanent judges are decided by the Government.

A permanent judge can be removed from office only on one of the grounds enumerated in Chapter 11, Section 7 of the Instrument of Government, namely if

- through a criminal act or through gross or repeated neglect of official duties she/he has demonstrated being manifestly unfit to hold the office (according to the established practice, these conditions are fulfilled in particular where a judge commits a crime and receives a sanction other than a fine, e.g. imprisonment);
- when she/he has reached the age of retirement;
- when due to loss or reduction of working capacity she/he is permanently unable to satisfactorily fulfil assignments.

As a rule, such matters are decided by an independent State authority called the National Disciplinary Offence Board. However, the Supreme Administrative Court examines whether a Justice of the Supreme Court shall be removed from duty, and vice versa.

Lay judges participate in the Courts of Appeal, the Administrative Courts of Appeal, the District Courts and the Administrative Courts. They are elected by municipal councils or county council assemblies. To clarify that the assignment as lay judge is non-political the occasion for the election of lay judges has been separated from the general elections. In practice lay judges will be elected in the year following the general elections. All Swedish citizens who have attained the age of majority and who are not in bankruptcy or legally represented by an “administrator” are eligible to be elected as a lay judge. Legally trained judges, court officers, public prosecutors, police officers, advocates or other persons who are otherwise professionally engaged in the representation of litigants in judicial proceedings may not be lay judges. Only persons who - with regard to judgment, independence, obedience to the law and other circumstances - are suitable for the task may be elected as lay judges. A court shall dismiss a lay judge if she/he has shown her/himself through a criminal act or otherwise to be unfit for the task. Courts can suspend lay judges if they exhibit behaviour or other characteristics that might potentially undermine public confidence in the administration of justice. It is possible to appeal a decision to dismiss or suspend a lay judge to an independent appeals board. It is compulsory upon all courts to check the criminal record of lay judges before they serve in court (Chapter 4 Section 6 of the Code of Judicial Procedure and Section 20 of the Administrative Courts Act).

Case management and procedure

No other public authority than a court may determine how judicial responsibilities shall be distributed among individual judges (Chapter 11, Section 3 of the Instrument of Government). This means that the courts in the distribution of cases only should adhere to rules in law and are not allowed to receive directives on how the distribution should be made in a particular case. According to Chapter

4, Section 11 a of the Code of Judicial Procedure, the distribution of cases between individual judges shall be based on objective criteria established by the court in advance and the distribution must not be capable of affecting the outcome of the case. This provision reflects the Council of Europe Recommendation on judges: independence, efficiency and responsibilities (CM/Rec(2010)12). It means that there should be a transparent system for how cases are distributed to a particular judge that a party, the public or an employee of the court can examine. The criteria for distribution shall be set out in the Rules of Procedure of the Court. Most often, cases are randomly assigned by lot to organisational units, with a limited possibility to deviate from this system, for example in order to handle interrelated cases within the same organisational unit or to reach an even distribution of the workload.

As a rule, a judge can be removed from hearing a case only if there are grounds for her/his disqualification (specified in Chapter 4, section 13 of the Code of Judicial Procedure)

Court proceedings are as a main rule public (Chapter 5, Section 1 of the Code of Judicial Procedure). If it can be assumed that, at a hearing, information will be presented which can be deemed confidential under the Public Access to Information and Secrecy Act (2009:400), the court may, if it considers it to be of extraordinary importance, determine that the information is not disclosed, and direct that the hearing be held in-camera in so far as it relates to the information (e.g. information relating to the personal circumstances of a private party). Court judgments are as a main rule public, while it is possible to withhold e.g. the identity of the victim in a case of sexual offences.

Ethical principles, rules of conduct and conflicts of interest

Some basic ethical principles are set forth by the Instrument of Government, in particular, Chapter 1, Section 9 which states that courts, as well as others performing public administration functions, of law “shall pay regard in their work to the equality of all before the law and shall observe objectivity and impartiality.” Moreover, the Code of Judicial Procedure provides provisions of an ethical nature. In particular, Chapter 4, Section 11 which requires all judges to take the following oath before assuming the duties of office: “I (name) promise and affirm on my honour and conscience that I will and shall impartially, as to the rich as well as to the poor, administer justice in all matters to the best of my ability and conscience, and judge according to the law of the Realm of Sweden; that I will never manipulate the law or further injustice for kinship, relation by marriage, friendship, envy, ill-will, or fear, nor for bribes or gifts, or any other cause in whatever guise it may appear; nor will I declare guilty one who is innocent, or innocent one who is guilty. Neither before nor after the pronouncement of the judgment of the court shall I disclose to the litigants or to other persons the in

camera deliberations of the court. All this, as an honest and righteous judge, I will and shall faithfully observe.”

In December 2009 the Government tasked the National Courts Administration with initiating discussions within the judiciary about elaborating ethical rules for judges, with a view to reinforcing the general public’s confidence in the justice system. The National Courts Administration appointed an analyst (a former president of the Svea Court of Appeal) who, together with a working group which was established by the Swedish Association of Judges, prepared a set of three documents entitled “Good judicial practice”. All judges were invited to give their opinion during the drafting process.

The documents revolve around four tenets: independence, impartiality and equal treatment, good conduct and treatment of others, good expertise and efficiency. The main document, entitled “principles and questions”, is composed of over a hundred questions and is intended to be a living document. It is complemented by the documents “ethics and accountability” - which includes an account of international instruments dealing with good judicial practice and ethical guidelines from other countries - and “official liability and supervision”. These ethical documents were inspired, in particular, by the 2002 Bangalore Principles of Judicial Conduct.

The documents were published in December 2011 and are available on the website of the National Courts Administration. They are designed to provide nonbinding guidance to all judges on handling different ethical dilemmas, to serve as a basis for discussion on ethical questions and to provide the public basic information on such questions from the point of view of judges. They are intended to support judges, not to impede their freedom. The solutions for individual cases are most likely to be found through a series of quite complex considerations rather than in strict rules. The documents are also used in the training of judges.

Prohibition or restriction of certain activities

Incompatibilities and accessory activities

Legally qualified judges may not appear as attorneys or public defence counsels, unless the Government (or the authority it designates) grants permission (Chapter 12, Section 3 and Chapter 21, Section 3 of the Code of Judicial Procedure). The Judges Proposals Board is the designated authority. Furthermore, judges are not allowed to be chief guardians or trustees Chapter 19, Section 8 of the Children and Parents Code and Chapter 7, section 1 of the Bankruptcy Act. Legally qualified judges may not be lay judges. Justices of the Supreme Court or Supreme Administrative Court are not allowed to exercise any other office.

According to the provisions of the Public Employment Act on “incidental employment”, employees falling under the act, including judges, are not allowed to hold an employment or carry out an assignment or exercise any activity that may affect confidence in her/his or any other employee’s impartiality or that may harm the reputation of the authority (Sections 7 to 7d of the Public Employment Act). In principle, the concept of incidental employment includes all types of employment or assignment, whether remunerated or not, aside from the main employment.

Permanent judges are obliged to report in writing and on their own initiative what kinds of incidental employment they have to their employers, i.e. the court. The Judges Proposals Board is however competent for questions regarding incidental employments of chief judges in the District Courts and the Administrative Courts, of presidents of the Courts of Appeal and the Administrative Courts of Appeal and of the presidents of the Supreme Court and the Supreme Administrative Court. In addition, all judges must upon request provide the information necessary for the employer or the Judges Proposals Board to be able to assess the incidental employment. Judges do not need permission before accepting an incidental employment, but the employer can decide that a judge must cease, or not undertake such an assignment if it is incompatible with the provisions of the Public Employment Act. While judges cannot appeal against such a decision, they can bring an action under the Labour Disputes Act (1974:371). The Labour Court is the highest court in such cases.

In practice, some judges engage in accessory activities such as writing, lecturing at university or during social gatherings for judges and lawyers, undertaking assignments as arbitrators, serving as members of Government commissions, etc. According to the established practice of the Judges Proposals Board, judges must not operate in profit-making companies or enterprises, except for family run businesses.

The National Courts Administration recommends that matters regarding incidental employment are handled in writing, and that information regarding incidental employment is saved in the judge’s personnel file. The information is public on request, unless it is classified according to the provisions of the Public Access to Information and Secrecy Act. Any citizen may ask for general information on a judge’s incidental employment, such as whether the judge has accepted an arbitration assignment.

Recusal and routine withdrawal

The conditions for disqualification are specified in Chapter 4, Section 13 of the Code of Judicial Procedure. In accordance with this provision, which is applicable to all judges - i.e. permanent judges, non-permanent judges and lay judges - a judge is disqualified from hearing a case if:

1. she/he is a party therein, or otherwise has an interest in the matter at issue, or can expect an extraordinary advantage or injury from the outcome of the case;
2. she/he and one of the parties are, or have been, married or are related by blood or marriage in lineal ascent or descent, or are siblings, or are so related by marriage that one of them is, or has been, married to a sibling of the other, or she/he is similarly related to one of the parties;
3. she/he is related as specified in item 2 to anyone who has an interest in the matter at issue or can expect extraordinary advantage or injury from the outcome of the case;
4. she/he, or any relation as specified in item 2, is a guardian, custodian or administrator or otherwise serves as legal representative of a party, or is a member of the board of a corporation, partnership, association or similar society, foundation or similar institution which is a party, or, when a municipality or similar community is a party, she/he is a member of the board in charge of the public administration of the function affected by the case;
5. she/he or any relation as specified in item 2, is related in the way stated in item 4 to anyone who has an interest in the matter at issue or can expect extraordinary advantage or injury from the outcome of the case;
6. she/he is the adversary of a party, though not if the party has sought issue in order to disqualify her/him;
7. she/he, acting in another court as a judge or officer, has rendered a decision concerning the matter at issue, or she/he, for an authority other than a court, or as an arbitrator, has dealt with the matter;
8. she/he, in the case of a main hearing of a criminal case, has prior to this main hearing determined the issue of whether the defendant has committed the act;
9. she/he has served in the case as an attorney for, or counselled, one of the parties, or has been a witness or an expert therein; or
10. some other special circumstance exists that is likely to undermine confidence in her/his impartiality in the case.

A question of disqualification may be raised by the judge her/himself or by a party in a particular case (Chapter 4, Sections 14 and 15 of the Code of Judicial Procedure). If a judge knows of any circumstance that can warrant disqualification, she/he is obliged to disclose it on her/his or own accord. If a party wants to raise a matter of disqualification, the party has to do so on the first appearance in court or in the first written submission after learning of the relevant circumstances. The judge may not take part in the determination of the disqualification issue, unless her/his presence is essential for a quorum and another judge cannot be substituted without delay.

The decision not to disqualify the judge can be appealed. If a Court of Appeal concludes that a District Court judge should have been disqualified, the Court of Appeal shall set aside the judgement or decision and send the case back to the District Court.

Gifts

There are no detailed rules on the acceptance of gifts specifically by judges. The authorities refer in this respect to the bribery offences under Chapter 10 of the Criminal Code. It follows from the principle of independence and impartiality of judges that a judge may not accept any gift in relation to anything done or to be done or omitted to be done in connection with the performance of her/his judicial duties.

Third party contacts, confidential information

The matter of secrecy of certain information is mainly regulated in the Public Access to Information and Secrecy Act - e.g. information relating to the personal circumstances of a private party, classified information that the court receives from another court or a public authority, certain information pertaining to an examination in court that has been recorded on video, information that has been presented during a hearing behind closed doors, information that has emerged during the court's deliberation in camera and certain parts of the court's judgement or decision. Breach of professional confidentiality is punishable under Chapter 20, Section 3 of the Criminal Code.

Supervision and enforcement

Oversight bodies

Matters on disciplinary measures are decided by the National Disciplinary Offence Board which is competent for higher public officials, including judges but not Justices (Section 15 of the Act respecting the employment of public servants in positions of authority). The Board also decides on removal from office of a judge, in particular if she/he through a criminal act or through gross or repeated neglect of official duties has shown her/himself to be manifestly unfit to hold office.

The Board is composed of five members who are appointed by the Government for a fixed period of time. The chairman and the vice chairman must be lawyers with experience as permanent judges. Only the Parliamentary Ombudsmen, the Chancellor of Justice and the employment authority in question (i.e. the court) have a right to initiate procedures in the Board. The Board's decisions are public. It is not possible to appeal the decisions. They can, however, be the subject of a labour dispute under the Labour Disputes Act. The Labour Court is the highest court in such cases.

Special rules apply when a judge is reasonably suspected of having committed a criminal offence in her/his employment. The National Disciplinary Offence Board can propose that a judge be prosecuted.

Matters of disciplinary measures, prosecution and removal from office concerning Justices are tried by The Supreme Court and the Supreme Administrative Court

(Chapter 11, § 8 of the Instrument of Government). The Supreme Court tries matters concerning Justices of the Supreme Administrative Court, and vice versa. Such proceedings may only be initiated by the Parliamentary Ombudsmen or the Chancellor of Justice.

The Parliamentary Ombudsmen, on behalf of the Riksdag, and the Chancellor of Justice, on behalf of the Government, supervise courts and judges in order to ensure that they comply with laws and statutes and fulfil their obligations in all other respects. Both institutions have the right to initiate disciplinary procedures against judges for misdemeanours. They also may give non-binding recommendations and critical advisory comments, for example regarding the obligation to handle cases without undue delay. By contrast, they cannot review or modify the decisions of a court. The Ombudsmen and the Chancellor of Justice respond to complaints from the public but can also initiate their own investigations.

Sanctions and measures

According to Section 14 of the Public Employment Act, a disciplinary measure for misdemeanours/neglect of duty may be imposed upon a judge who intentionally or by carelessness neglects her/his duties in employment. If the neglect, having regard to all the circumstances, is minor, a sanction may not be issued. There are two types of disciplinary measures, a warning and deduction from wages. Several disciplinary measures may not be imposed simultaneously. Deduction from wages may be made, comprising at most thirty days and the daily deduction is at maximum 25 per cent of the wage.

Several criminal law provisions may be applied to judges, in particular bribery and related offences (Chapter 10 of the Criminal Code), misconduct in the employment (Chapter 20, Section 1 of the Criminal Code) and breach of professional confidentiality (Chapter 20, Section 3 of the Criminal Code). Judges do not enjoy immunity.

Criminal allegations against judges are dealt with through the ordinary criminal justice system. The Courts of Appeal function as courts of first instance in cases concerning liability or private claims based on criminal offences committed in the exercise of official authority by a judge of a lower court (Chapter 2, Section 2 of the Code of Judicial Procedure). The Supreme Court functions as court of first instance in such cases concerning a Justice or a judge of a Court of Appeal (Chapter 3, Section 3 of the Code of Judicial Procedure.)

Advice, training and awareness

The Swedish Judicial Training Academy, which is an independent part of the National Courts Administration, is vested with responsibility for the training of judges. All permanent judges, regardless of seniority, are continuously offered the

opportunity to take non-compulsory courses in different areas of law. Normally, newly appointed judges participate in the academy's courses for a longer period of time. The Academy offers, inter alia, a series of four courses under the heading "The Role of the Judges". These courses (A-D) address a wide range of issues concerning the position of the courts and the role of judges in society, ethics, conflicts of interest, expected conduct in general and in respect of the parties during court proceedings as well as towards citizens who come in contact with the courts. In particular, dedicated instructors have been chosen for these courses, for example, chairpersons of the Swedish Association of Judges. A large number of judges have already participated in these courses since their introduction. The Academy also offers a seminar for experienced judges on the role of the judges, focusing on independence and ethics. The purpose of the seminar is to create a forum where experienced judges can together reflect and discuss issues related to the role.

The academy is also responsible for the compulsory training of non-permanent judges, which also includes sections on independence and impartiality, ethical rules for a judge and basic values.

Judges can obtain guidance on ethical questions, including those relating to disqualification and incidental employment, from the abovementioned documents on "Good judicial practice" and from legislative history, case law as well as the recommendations and critical advisory comments of the Parliamentary Ombudsmen and the Chancellor of Justice.

Since 2015, it is mandatory for elected lay judges to attend initial training and for re-elected lay judges to take part in follow-up training. The training has been compiled by the National Courts Administration. The content of this training focuses particularly on access to public information versus confidentiality, conflicts of interest and ethical aspects of being a lay judge. The training is carried out by the court at which the lay judge is serving.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Before ratifying the convention, the assessment was made that Sweden complies

with the requirements of the convention (Government Bill, Prop. 2006/07:74 pp. 18-19).

To the Government's knowledge there are no cases where judges were affected by corruption in their duties.

31. Paragraph 2 of article 11

2. Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The prosecution service (the Swedish Prosecution Authority and the Swedish National Economic Crimes Bureau) is not a part of the judiciary in Sweden. The prosecution service is also independent and separate from the Government. This principle of independence is fundamental to the Swedish form of government. The Government is constitutionally prevented from commenting on or influencing the independent decisions of the prosecution service. According to the Swedish Instrument of Government (1974:152), which is a part of Sweden's constitution, no public authority, including the Riksdag, or decision-making body of any local authority, may determine how an administrative authority shall decide in a particular case relating to the exercise of public authority vis-à-vis an individual or a local authority, or relating to the application of law. This applies to every decision made by a prosecutor. Each prosecutor is solely responsible for his or her decisions and these decisions cannot be changed by a prosecutor's superior. An individual affected by a prosecutor's decision may request that it be reviewed by another prosecutor at a higher judicial level. Hence, only the Prosecutor General, the Deputy Prosecutor General, directors of public prosecution and deputy directors of public prosecution can review a decision made by a public prosecutor.

The prosecution service and its employees are also subjected to external review. The Parliamentary Ombudsmen review the implementation of laws and other regulations in the public sector on behalf of the Riksdag and they are independent of the executive power. The Chancellor of Justice, the Government's ombudsman, supervise authorities and civil servants. The Parliamentary Ombudsmen and the Chancellor of Justice play a vital role in the control system preventing corruption.

The Prosecutor-General's ethical guidelines for the prosecution service applies to all employees within the prosecution service. Violations of the guidelines can lead to disciplinary actions or criticism from the Prosecutor-General through the Prosecutor-General's supervisory function. Moreover, every newly recruited prosecutor (aspirant prosecutors) is required to go through a Basic training

program. The program is work integrated and consists of 15 weeks of classroom education (lectures, seminars et c) spread out over the first three years of employment. “The Role of the Prosecutor” is a recurring topic during the Basic training program. The topic includes discussions regarding matters of integrity, independence, conflict of interests and the application of the Prosecutor-General’s ethical guidelines for the prosecution service. All in all, 22 lessons are devoted to the matters mentioned above, spanning from the Introduction week to the very last course of the Basic training program.

The eligibility requirements for prosecutors are regulated in the Public Employment Act and in the Prosecutor Regulation. All advertisements for new positions are announced publicly and all applications are registered and are official documents.

The recruitment process for aspirant prosecutors consists, among other things, of interviews and tests. During the aspirant period, cases are assigned aspirants in an increased difficulty. Parallel to the work, aspirants also go through a mandatory Basic training program. During this period, the applicants is assessed on at least two occasions based on established criteria. To be employed as an assistant prosecutor, the chief prosecutor must make the assessment that the aspirant has good conditions for becoming a prosecutor. To employed as a chamber prosecutor, the chief prosecutor assesses whether you meet the requirements again.

The Swedish Prosecution Authority’s and the Swedish National Economic Crimes Bureau’s Personnel Responsibility Board tries if prosecutors, in certain cases, should be separated from their employment due to personal reasons. The decision of the Personnel Responsibility Boards can be appealed to the court. The State Accountability Board tries cases of disciplinary responsibility, prosecution, dismissal, suspension and medical examination with coercion regarding state employees in senior positions, including prosecutors. The authority where the employee is employed has the mandate but also the obligation to report a case to the State Accountability Board. The Parliamentary Ombudsmen and the Chancellor of Justice also has the mandate to report cases.

For prosecutors within the prosecution service there is no special regulation regarding the obligation to report their assets. However, there is a general set of regulations on secondary employment in the Public Employment Act and in other statutes that apply to government employees.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Examples in which the breach of a prosecutorial code of conduct has led to the

application of disciplinary measures:

1st example:

During a main hearing in a district court, among other things a prosecutor used the word “negro” in connection with a description of a suspect. In the decision, the Prosecutor-General concluded that the prosecutor had violated the code of conduct and the prevalent demands on professionalism.

2nd example:

A prosecutor had sent private emails to a private citizen from the email account provided by the Swedish Prosecution Authority. In the emails, the prosecutor amongst other things expressed inappropriate views on decisions taken by other prosecutors. In the decision, the Prosecutor-General wrote that the staff of the Prosecution Authority should show restraint using the Authority’s email account for private purposes and declared that the prosecutor had failed to fulfil the demands on conduct and professionalism to be expected by a prosecutor.

3rd example:

A matter of disqualification of a prosecutor bringing charges against a person engaged in a political party was raised, since the prosecutor had expressed a highly negative opinion about the same party on Twitter. The Prosecutor-General stated that the tweets could be interpreted as deeply contemptuous of the political party. Therefore, the prosecutor was deemed disqualified to prosecute a member of this political party.

4th example:

The Prosecutor-General addressed the remarks made by two prosecutors on Facebook, where the prosecutors had expressed opinions about a named judge and a policeman in a derogative way. All in all, it was concluded that the prosecutors had failed to adhere to the demands on conduct and professionalism to be expected by prosecutors.

32. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

12. Private sector

33. Paragraphs 1 and 2 of article 12

1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.

2. Measures to achieve these ends may include, inter alia:

- (a) Promoting cooperation between law enforcement agencies and relevant private entities;
- (b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;
- (c) Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;
- (d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;
- (e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;
- (f) Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.

1521 Is your country in compliance with these provisions?

0 (Y) Yes

1523

- 1** Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with these provisions of the Convention.

Corruption and bribery are large obstacles for reaching a level playing field and fair competition amongst businesses. Therefore, introducing robust compliance system at company level to minimize the risk of corruption is key.

Sweden would define corruption as the abuse of power and trust for improper gain. Corruption includes, among other things, the offering and receiving of bribes - including the bribery of foreign officials - extortion, conflicts of interest and nepotism. It affects all countries, it does not recognize boundaries and can spread through all level of public agencies. Corruption cuts across entire populations, but hits most disempowered members of society the hardest. Women are often more at risk suffering the consequences of corruption. Corruption contributes to the destabilization of fragile states and is ultimately one of the drivers of conflict.

Sweden gives high priority on anti-corruption efforts, both at home,

multilaterally and through the Swedish development cooperation. Sweden supports increased respect for human rights, stronger democracy, which requires stable and independent, democratic institutions, judicial systems and free media. This in turn reinforces transparency and accountability, making abuse of power more difficult.

Sweden is a firm believer of the multilateral efforts that have produced strong political commitments to support anti-corruptions initiatives. The 2030 Agenda for Sustainable Development, especially goal 16 on stronger institutions and goal 10 on reducing inequality among countries, the Addis Ababa Action Agenda, the UN Convention against Corruption, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the G20 Anti-corruption working group, the Council of Europe Criminal Law Convention on Corruption and the Council of Europe Civil Law Convention on Corruption against Corruption are important foundations for these commitments.

The private sector should play an important role in the implementation of the Agenda 2030. This concerns both investments and finance needs, as stated in the Addis Ababa Action Agenda.

Sweden supports partner countries to combat corruption by strengthening institutions such as tax and audit authorities. Building on the growing international consensus on the importance of domestic resource mobilization and the central role of tax administrations. Sweden would like to stress that efficient, transparent and effective tax administrations support poverty reduction and equality. Therefore, resolving the development challenges is not only a matter of efficiency in raising revenues, but must be a part of “state building”, that promotes inclusiveness, encourages good governance, improves the accountability of governments to their citizens, and cultivates social justice.

A natural corollary of corruption is money laundering. Proceeds from corruption must be laundered in order to be useful for the corrupt. Money laundering schemes are often cross-border in nature, as the corrupt and the criminal rarely recognise borders. Therefore, a robust anti-money laundering system is an important tool in combatting corruption, as recognised in the Sustainable Development Goals (goal 16.4).

Building an anti-money laundering system is a complex effort that requires significant interagency as well as public-private coordination. If done right, an effective anti-money laundering system can be very helpful in reducing corruption and combatting financial crime. Sweden recognises the importance of anti-money laundering in development cooperation, which is why last year, we made a voluntary contribution to the Financial Action

Task Force's Training and Research Centre (FATF TREIN) in Busan, South Korea, for the purposes of assisting civil servants in developing countries in the development of anti-money laundering systems. (For further information please see article 14 and article 52 in the UN Convention against corruption.)

The Swedish Export Credit Agency (EKN) and the Swedish Export Credit Corporation (SEK)

[<https://www.ekn.se/en/what-we-do/sustainability/>](https://www.ekn.se/en/what-we-do/sustainability/)

[<https://www.sek.se/en/sustainability/>](https://www.sek.se/en/sustainability/)

[<https://www.sek.se/en/sustainability/policies-and-guidelines/>](https://www.sek.se/en/sustainability/policies-and-guidelines/)

Two Swedish government-backed organisations are working side-by-side to facilitate Swedish exports - EKN and SEK.

EKN, is an authority with the task of promoting Swedish exports, by insuring the risk of not being paid in export transactions. Furthermore, insuring banks' lending to both exporting companies and their buyers. EKN's guarantees make difficult markets available and enable more secure export transactions.

SEK is wholly owned by the Swedish government. The Swedish government participates in the annual general meeting and is represented on the Board of Directors. The government's ownership of SEK is overseen by the Ministry of Enterprise and Innovation.

Codes of Conduct

In accordance with EKN/SEK Codes of Conduct, all employees have a responsibility and obligation to keep personal interests apart from company business. EKN/SEK are committed to work against corruption in all its forms. No form of extortion or bribery, including improper offers of payments to or from employees, organizations or public officials, is tolerated.

All employees at EKN/SEK have an obligation to follow the Codes of Conduct and to report any possible or suspected breach or non-fulfillment of the obligations against corruption. Any such act may lead to legal action as well as termination of employment, assignment or business relationship.

Business decisions are to be made on business grounds and no gift or representation is to be provided that could be perceived as improper or

entailing some form of expected service in return.

EKN/SEK follow the Code on Gifts, Rewards and other Benefits in Business as compiled by the Swedish Anti-corruption Institute.

Anti-Corruption Policy

EKN/SEK support the ten principles of the UN Global Compact, which includes standards governing anti-corruption, human rights, labor and environment.

Anti-corruption policies are integrated parts in EKN/SEK sustainability policies. The policies declare that EKN/SEK oppose all forms of corrupt behavior and do not accept any form of corrupt behavior in transactions that we finance. In the event of credible evidence of corrupt behavior, bribery or any other form of improper advantage in relation to a transaction, EKN/SEK will not take part in the transaction.

EKN/SEK's anti-corruption guidelines are based on the OECD Recommendation on Bribery and Officially Supported Export Credits, as well as Swedish legislation. We support and comply with relevant international initiatives to combat corruption. EKN/SEK must comply with anti-corruption legislation in countries and jurisdictions in which we are active.

Corporate Manual

According to EKN/SEK anti-corruption manuals, transactions with a high risk of corruption are identified. EKN/SEK performs an anti-corruption assessment of the transaction and the parties to it. The applicant for an export credit must provide information about issues that relate to corruption or corruption risks. The scope and form of the assessment depend on the risks that have been identified. The exporter's anti-corruption system is an important part of the assessment.

The applicant and the exporter must certify that no bribes are paid in the transaction and also provide information about any remuneration to agents. The applicant or exporter must also state whether they, or anyone acting on behalf of the applicant, has been served with notice, is being prosecuted for or has been convicted of bribery or any similar criminal act in any country. If an exporter is convicted of bribery, EKN have the right to declare the guarantee to be non-binding and SEK have the right to enforce anti-corruption clauses in lending contracts. The exporter may be liable to pay compensation to EKN.

EKN/SEK have regular contact with the National Anti-corruption Unit of the Swedish Prosecution Authority. If there is reason to suspect bribery or other misconduct in a transaction where EKN/SEK is involved, the National Anti-corruption Unit of the Swedish Prosecution Authority must be informed of the suspicions.

Business Sweden

[<https://www.business-sweden.se/en/Trade/professional-services/training-and-guides/foreign-trade-rules-guides2/guide-to-sustainable-business/>](https://www.business-sweden.se/en/Trade/professional-services/training-and-guides/foreign-trade-rules-guides2/guide-to-sustainable-business/)

Business Sweden's purpose is to help Swedish companies grow global sales and international companies invest and expand in Sweden. Business Sweden was founded on the first of January 2013, by a merger of the Swedish Trade Council (Exportrådet) and Invest Sweden. Business Sweden is owned by the Swedish Government and the industry, a partnership that provides access to contacts and networks at all levels.

Code of Conduct

In accordance with Business Sweden's Code of Conduct, all employees at Business Sweden in all markets and at all times, have a responsibility and obligation to keep personal interests apart from company business. It is well formulated and communicated that no one may exploit his or her position for personal gain at the expense of the company, the clients or the external parties. Decisions by, or for, the company, must never be influenced by personal preferences.

Business Sweden is committed to work against corruption in all its forms, including extortion and bribery. All employees at Business Sweden have an obligation to follow the Code of Conduct and to report any possible or suspected breach or non-fulfillment of the obligations against corruption.

Anti-Corruption Policy

Business Sweden is currently finalizing an Anti-Corruption Policy which shortly will be approved and published. The bottom line is that Business Sweden has a zero-tolerance policy towards any form of corruption and is committed to the highest norms of business conduct. Business Sweden's Anti-Corruption Policy aims to actively prevent and protect the organisation from corruption, financial crimes and other activities that pose threats to Business Sweden's operations and customers. This approach applies to all markets where Business Sweden operates and to all business relations in the daily work with all stakeholders.

It is prohibited to contribute financial means to any third party in a way that

could constitute negligent financing of corruption. The employees are required to verify that money paid to third parties, e.g. to agents, partners, vendors and consultants, is not used for corruption. Any *Red Flags*, e.g. allegations of corporate misconducts and financial irregularities, must be investigated, and necessary precautions and actions must be taken to eliminate or mitigate the risk for bribery and corruption in relation to third parties. All procurement activities at Business Sweden are performed in compliance with the basic principles for a fair selection of suppliers and segregation of duties.

Violations against the Policy will lead to disciplinary action, up to and including termination.

Guide to Sustainable Business

Business Sweden has published a guiding tool for private entities to achieve a more sustainable business. The sustainability guide is based on the four areas of the UN Global Compact including anti-corruption, human rights, working conditions and the environment.

The purpose of the guide is to showcase exemplary procedures and policies, set standards representing good business practices and encourage private entities to report instances of corruption to the regulatory or responsible authorities. The guide provides crucial steps for success in sustainable business and examples on how it can be carried out in practice. It highlights challenges and risks in various areas and provides recommendations and actions for preventive measures.

Business Sweden emphasises on the importance of the companies' responsibility to follow the guide and to meet international guidelines on anti-corruption, standards for sustainable business and to avoid the pitfalls and shortcomings of prevailing local practices. The guide on sustainable business is available at Business Sweden's website.

Corporate Manual

Business Sweden is currently working on a complementary version of the Anti-Corruption Policy or a corporate manual to further guide Business Sweden's employees to be more attentive to avoid and counteract unfair trade and business. This will include a mandatory screening process with in-depth research on *Red Flags* to quality check companies and clients before working with them or recommending them to clients.

Internal Reporting of Corruption

The Code of Conduct and the Anti-Corruption Policy includes instructions on how to report possible or suspected misconducts. All employees at Business Sweden have an obligation to report any possible or suspected

breach or non-fulfillment of the obligations against the Code of Conduct or Anti-Corruption Policy. The primary source to reporting is the employee's manager. If that is not possible, reports should be made to the legal office at Business Sweden's head office in Stockholm. Additionally, Business Sweden has a whistleblower function where allegations can be reported by internal and external parties.

Whistleblower Service

Any Business Sweden employee who suspects violations of the Code of Conduct or the Anti-Corruption Policy must speak up and raise the issue to their immediate manager or through the Whistleblower Service, [WhistleB <https://whistleb.com/>](https://whistleb.com/). The Whistleblower Service is also available for concerns raised from external parties. The Whistleblower Service is available on Business Sweden's internal and external webpages.

Trainings on Sustainability and Anti-Corruption

Employees are trained in avoiding, preventing, spotting and reporting corruption through Business Sweden's mandatory e-learning on Sustainable Business. All employees are obliged to do the virtual prep course.

Each year, Business Sweden conducts trainings on sustainability and anti-corruption at the head office in Stockholm for employees working at Business Sweden's global offices. The trainings are equally crucial for Business Sweden's internal work and procedures as it is for the external work when guiding and consulting companies in Sweden and abroad.

Swedfund

<https://www.swedfund.se/en/about-swedfund>
<https://www.swedfund.se/media/2246/swedfunds-code-of-conduct.pdf>
<https://www.swedfund.se/media/2242/swedfund-policy-for-sustainable-development.pdf>
<https://www.swedfund.se/media/2271/swedfund-ethical-compass-sept2019.pdf>
<https://www.swedfund.se/media/1845/swedfund-anti-corruption-policy-october-2016.pdf>
<https://www.swedfund.se/media/1985/swedfund-anti-corruption-management-system.pdf>

Swedfund is the Development Finance Institution of the Swedish state. The mission is to combat poverty by investing in and develop sustainable business in the world's most challenging markets.

Swedfund strives for zero tolerance of all forms of corruption, even though corruption is commonplace in the markets in which Swedfund operates.

Swedfund has adopted an anti-corruption policy that applies to employees and board members within Swedfund and to portfolio companies and their board members appointed by Swedfund. Anti-corruption management is also one of our strategic sustainability targets.

To determine whether a portfolio company meets the strategic sustainability target, Swedfund monitors whether the portfolio company has implemented a management system for anticorruption issues and, if so, whether it includes the relevant components:

- **ANTI-CORRUPTION POLICY** - A policy must be established as a starting point for the management system for anticorruption issues.
- **RESPONSIBILITY** - Responsible person at management level.
- **SYSTEMS** - Processes or controls to detect the existence of corruption.
- **COMPETENCE** - Identification and training of key personnel (those most exposed to the risk of corruption).
- **REPORTING** - Regular reports must be submitted at least annually.

Evaluation of corruption risk and management system is part of our due diligence process of every new potential investment. Gap identified are included in Environmental and Social Action Plan that is included in the contract with the client. Requirements are monitored at least annually. For a number of years, Swedfund has been incorporating specific anti-corruption provisions into its agreements, and in the event of serious breaches Swedfund has the right to withdraw from an investment.

In addition, we have published an Anti-Corruption Management System on our homepage to support our portfolio companies to adopt preventive measures acceptable to Swedfund. One of the key elements in this Management System is Anti-Corruption Policy template that our companies can use as an inspiration.

Swedfund has set up a special whistleblowing service, covering also Swedfund's portfolio companies, in order to make it easier to report serious irregularities including serious violations of Swedfund's Anti-Corruption Policy. The service, which is available through Swedfund's website - www.swedfund.se - is an encrypted web solution which leads to a closed system provided by a third party and including a third party evaluation.

All Swedfund employees undergo regular training concerning anti-corruption. New employees complete an e-learning course on anti-corruption as part of the introductory process.

The Swedish Inspectorate Auditors

The Swedish Inspectorate Auditors (SIA) is the government's expert authority in matters relating to auditors and auditing. The mission involves securing nationwide access to qualified auditors, so ensuring that the world of trade and industry and the rest of society has access to auditors who are able to audit limited companies, banks, insurance companies,

economic associations, foundations, authorities and other associations conducting financial activities, and responsibility for ensuring the appropriate development of generally accepted auditing standards and professional ethics.

The International Standards on Auditing

Since January 1, 2011, the International Standards on Auditing (ISA) are generally accepted auditing standards in Sweden, ie. the set of standards that authorized and approved auditors must apply in their audit work.

ISA is issued by the international organization The International Auditing and Assurance Standards Board (IAASB), an independent body that is part of the international auditing organization IFAC (International Federation of Accountants).

In addition to ISA, IAASB publishes the following standard series, all of which constitute good practice in Sweden within their respective fields of application:

- International Standard on Quality Control (ISQC)
- International Standard on Review Engagement (ISRE)
- International Standard on Assurance Engagements (ISAE)

In addition, the content of what is to be regarded as generally accepted auditing standards is decided by decisions and statements from the Swedish Inspectorate Auditors and ultimately by the court's practice.

The basic professional ethical standard that applies to auditors in Sweden is the Code of Ethics for Professional Accountants issued by The International Ethics Standards Board for Accountants (IESBA). It is supplemented by a number of ethical statements and the ethical recommendation issued by the Institute for the Accountancy Profession in Sweden (FAR).

In addition, the content of what is to be regarded as professional ethics for accountants is decided by decisions and statements from the Swedish Inspectorate Auditors in Sweden and ultimately by the practice of the courts.

Standards for the learning objectives set for the person to be trained to become an auditor (International Education Standards) are issued by The

International Accounting Education Standards Board (IAESB). These have been adapted to Swedish conditions by the Institute for the Accountancy Profession in Sweden (FAR) through the recommendation EtikR 5 - Basic education and learning objectives for auditors.

The Swedish Accounting Standards Board (BFN)

The Swedish Accounting Standards Board (BFN) is a government authority with the task of developing generally accepted accounting principles. BFN issues rules and information regarding the Book-keeping Act and the Annual Accounts Act.

The Swedish accounting system

Provisions on who is required to maintain accounting records, current recording, filing of accounting information and how the current accounting should be closed etc. can be found in the Accounting Act (1999: 1078), BFL. The contents of the annual report are regulated in the Annual Accounts Act (1995: 1554), ÅRL. Provisions on the public accounting of financial companies can be found in the specific annual accounts laws for credit institutions and investment companies (1995: 1559), ÅRKL, and for insurance companies (1995: 1560), ÅRFL.

The accounting laws are mainly designed as framework laws. For the application of the provisions, supplementary norms are required that express generally accepted accounting principles. Sweden's financial supervisory authority is responsible for the development of generally accepted accounting principles for the financial companies' accounts to the extent required by the specific nature of the financial companies. Otherwise, the Accounting Board is responsible for the development of generally accepted accounting principles. The scope for companies' subjective assessments is severely limited. Anyone who has breached the requirement to maintain accounting records in accordance with BFL can be held responsible for book-keeping offence.

Which accounts to use when posting is not regulated by law and the Swedish Accounting Standards Board has also not made a statement on the matter. An accounting plan that many people use is the BAS account plan. More information about it can be found at <https://www.bas.se/>

Requirement to maintain accounting records

Persons subject to an obligation to maintain accounts can be found in

chapter 2. BFL. Anyone who is required to maintain accounting record according to BFL shall, inter alia, current record all business transactions, ensure that there are supporting vouchers for all accounting entries and ensure that there is systems documentation and description of accounting procedures applied, preserve all the accounting information and equipment and systems needed to present the accounting information, prepare a balance sheet and complete the current accounting with an annual reports. When the requirement to maintain accounting record centers or when the grounds for the requirement change, an opening balance sheet must be prepared without delay. According to chapter 6section 2 BFL an annual report shall be prepared and published in accordance with the provisions of the ÅRL, ÅRKL or ÅRFL. Business transactions shall be entered in the accounts in such a manner that they can be presented in order of registration (books of prime entry) and systematically (general ledgers). Cash payments made and received shall be entered in the accounts not later than the following business day. Other business transactions shall be entered as soon as possible. In conjunction with the closing of current accounts, such items shall be entered in the accounts as are necessary in order to determine the income and expenses for the financial year and the financial position on the balance sheet date. In conjunction with the maintenance of accounts, the accounts in respect of assets, provisions, liabilities, and equity shall be specified in a subsidiary ledger to the extent necessary to provide satisfactory verification and overview.

The annual report

The Swedish provisions on annual accounts and consolidated accounts are largely based on the EU's accounting directives. Listed companies must also follow the so-called IAS Regulation. The regulation requires all listed European companies to apply the international accounting standards that have been adopted for application within the EU in their consolidated accounts.

An annual report shall consist of a balance sheet, a profit and loss account, notes (information) and a directors' report. The annual report shall be prepared in a clear manner and in accordance with generally accepted accounting principles. The balance sheet, the profit and loss account and the notes shall be prepared as a whole and provide a true and fair view of undertaking's financial position and results. In the event of deviations from adherence to general guidelines or recommendations from bodies that issue regulations, information regarding such deviation and the reasons therefor shall be provided in a note.

According to the fundamental accounting principles follows that, inter alia, the valuation of the various items shall be made with the exercise of reasonable care. Particularly, this means that only income established in the financial year may be included, all economic obligations attributable to the financial year or previous financial years shall be taken into consideration and diminutions in value, regardless of whether the result for the financial year is a profit or a loss, shall be taken into consideration. Income and costs attributable to the financial year shall be included, regardless of the time for payment and the various components comprising balance sheet items shall be individually valued.

Since a few years' undertakings and groups of a certain size have also prepared a sustainability report. The sustainability report shall contain such sustainability information as is necessary to understand the undertaking's development, financial position and results and consequences of the operations, including information regarding environmental, social relationship, personnel, human rights, and anticorruption issues. The report shall contain information regarding environmental, social relationships, personnel, human rights and anticorruption issues. The provisions follow from an EU directive.

The Swedish Companies Registration Office for registers of companies and associations.

These registers also indicate which persons constitute the board of the company or association. We are not obliged to and do not register founders (corporate founders). Regarding trading companies and limited liability companies, there is information in the Trade Register about company members, who are either a legal or a natural person. The registers are public. The Swedish Companies Registration Office handle the following company and association registers:

- Register of Companies
- bank register
- the association register
- Register of Partnerships
- European companies register
- European cooperative register
- Register of European economic interest groups
- Register of European territorial cooperation groups
- branch register
- insurance register
- insurance agency register

The Swedish Companies Registration Office also registers beneficial owners, registers that are public to all. The register contains information about the beneficial owners of

1. Swedish legal entities,

2. foreign legal entities operating in Sweden, and
3. natural persons who are resident in Sweden and who manage trusts or similar legal constructions.

The register of beneficial owners does not contain information about the beneficial owners in:

1. the state, county councils, municipalities and municipal associations as well as legal persons over whom the state, county councils, municipalities and municipal associations, individually or jointly, have a direct or indirect legal controlling influence;
2. limited companies whose shares are admitted to trading on a regulated market within the EEA or the equivalent market outside the EEA;
3. death estate, and
4. bankruptcy voucher.

The Swedish Competition Authority

The Swedish Competition Authority's task is to ensure compliance with the competition and procurement rules. In addition to its supervisory function, the Swedish Competition Authority's task is to highlight obstacles to effective competition in public and private operations and to effective public procurement. In many contexts, the Swedish Competition Authority has found evidence of corruption or other misconduct in its supervisory work. As part of a general responsibility for combating corruption, the Authority already draws attention to suspected corruption and prioritizes cases where it suspects that corruption may be an element in the conduct. In cases where the Swedish Competition Authority sees indications of corruption, but where there is no reason to suspect a violation of the competition or procurement rules, it is not the Competition Authority's task to investigate the suspicion further. In such circumstances, the Competition Authority should instead assist other authorities with tips in cases where there is a suspicion of a crime or that companies have otherwise violated other legislation.

The Swedish Anti-corruption Institute

[<https://www.institutetmotmutor.se/english/>](https://www.institutetmotmutor.se/english/)
[<http://3afvm642sqog9muh73hsqhtz-wpengine.netdna-ssl.com/wp-content/uploads/2017/07/141120-IMM Code of Business Conduct.pdf>](http://3afvm642sqog9muh73hsqhtz-wpengine.netdna-ssl.com/wp-content/uploads/2017/07/141120-IMM_Code_of_Business_Conduct.pdf)

The Swedish Anti-corruption Institute (IMM) is a non-profit organization founded in 1923. The Institute's mission is to promote ethical decision processes within business as well as within the rest of the community

and to prevent the use of bribes and other types of corruption as a means for affecting decision processes.

The principals of the Institute are the Stockholm Chamber of Commerce (with a member base of approx. 2 000 companies in the Stockholm and Uppsala region), The Confederation of Swedish Enterprise (Sweden's largest and most influential business federation representing 49 member organizations and 60 000 member companies with over 1.6 million employees) and The Swedish Association of Local Authorities and Regions (an employers' organisation and an organisation that represents and advocates for local government in Sweden. All of Sweden's municipalities and regions are members). In addition, the Institute has four partner organisations representing the construction industry (The Swedish Construction Industry), the trade industry (the Swedish Trade Federation), the bank sector (Swedish Banker's Association) and the research based pharmaceutical industry (LIF). Finally, a broad group of industry organisations as well as individual companies are supporting members to the Institute.

Through its principals, partner organisations and members the Institute has great reach in business as well as municipalities and counties.

The Institute puts great emphasis on information to businesses and trade confederations, media and authorities on ethical business behaviour including laws and court cases on corruptive marketing and bribery.

Since its inception, the Institute has worked for self-regulation as a mean to combat corruption in society. Since 2012, the Institute administers the Code on Gifts, Rewards and other Benefits in Business (the Business Code). The Business Code complements and clarifies relevant criminal provisions on bribery, but also sets a higher ethical standard. According to the Code, companies should take preventive measures against corruption, including internal auditing controls in private enterprises which includes recordkeeping and compliance with applicable laws and regulations.

The Institute's Ethics Committee promotes good practices within the area of the Business Code. By requests from companies, the Ethics Committee can make statements regarding the interpretation of the Business Code in specific situations.

Through its principals, partner organisations and members the Business Code has great reach in business as well as municipalities and counties.

The Institute has also facilitated the entering into industry-specific agreements against corruption in the construction industry and in the

health care sector. These agreements include standards and procedures to counter corruption (bribery as well as for example conflict of interest) in the respective sector.

The Institute provides extensive guidance to the private sector regarding anti-corruption work *inter alia* by conducting several training and education sessions on an annual basis, providing guidance documents and links to best practice manuals through the Institute's web page and by developing own manuals and guidance documents.

Since its inception, the Institute has worked for self-regulation as a mean to combat corruption in society. Since 2012, the Institute administers the Code on Gifts, Rewards and other Benefits in Business (the Business Code). The Business Code complements and clarifies relevant criminal provisions on bribery, but also sets a higher ethical standard. According to the Code, companies should take preventive measures against corruption, including internal auditing controls in private enterprises which includes recordkeeping and compliance with applicable laws and regulations.

The Institute emphasizes the importance of handling with instances of corruption in a transparent and responsible manner as an important part of an anti-corruption program. In this regard, the Institute would like to specifically mention the importance that companies that do self-report receive credit for this when deciding for example upon whether a corporate fine should be imposed.

The National Anti-Corruption Police Unit. (NACPU)

The National Anti-Corruption Police Unit. (NACPU) have done different type of outreach activities. NACPU has visited The Swedish Export Credit Corporation (SEK), The Swedish Export Credit Agency (EKN), Institute for the accountancy profession in Sweden (FAR), the Association of Swedish Accounting and Payroll consultants (Srf konsulterna) and the the Swedish Tax Agency among other entities to enhance their capabilities to detect corruption. This is done through information about NACPU:s activities and experience gained through investigations of corruption cases.

Whistle-blower protection

<https://www.government.se/government-policy/labour-law-and-work-environment/198280-employment-protection-act-lag-om-anstallningsskydd/>
<https://www.government.se/government-policy/labour-law-and-work-environment/2016749-act-on-special-protection-for-workers-against-reprisals-for-whistleblowing-concerning-serious-irregularities/>

Regarding whistle-blower protection including when mechanism for internal

reporting are used, protection for whistleblowers is provided in the Act on special protection for workers against reprisals for whistleblowing concerning serious irregularities (2016:749). The act gives employees the right to damages if the employee suffers retaliation when the employee has reported or disclosed serious wrongdoings in the employer's organization. This act covers both internal and external whistleblowing and applies to employees in both the public and the private sector and it also extends to temporary agency workers. Protection is also provided under section 7 of the Employment Protection Act (1982:80), since notice of termination must be based on objective grounds. In addition, the general legal principle of good labour market practice also applies, which means that the right to direct work may not be exercised in an inappropriate manner or in breach of good practice. An employee also has the right to have particularly far-reaching reassignments examined by a court.

The EU is expected to shortly adopt a Directive on the protection of persons reporting breaches of union law. The Swedish Government has appointed a committee of inquiry, tasked with the remit to propose how the Directive shall be transposed in Swedish law.

The Act concerning restrictions in the event of ministers and state secretaries transitioning to nonstate activities.

In 2018 a new legislation went into force in Sweden concerning these matters *The Act concerning restrictions in the event of ministers and state secretaries transitioning to nonstate activities*.

It is a special system for ministers' and state secretaries' transitions to other assignments, employment or establishment of a business after finishing their duties as minister or their employment as state secretary. In history there had been examples of transitions made by ministers and state secretaries to employment in the business sector that have attracted attention and criticism.

Two kinds of risks tend to be mentioned. The one kind arises when the employee still works for the state - this is the risk of undue influence as a result of a promise of new employment. The other kind, which is discussed more often, concerns situations in which a person has left the public sector. There is then a risk of abuse of information, knowledge or contact with former colleagues, which can in turn result in preferential treatment for the new employer. The very suspicion of this kind of abuse

can affect confidence in the state and cause damage to it - which means that there does not have to have been a tangible case. The damage could be either financial damage or damage to public confidence.

For examinations under the Act, there is a special examination body - *the Board for the Examination of Ministers' and State Secretaries' Transitions*.

The regulation is applicable to transitions to non-state activities including ministers and state secretaries who intend to begin a new assignment or new employment in non-state activities or set up a business. Transitions to non-state activities means all activities where the state is not the responsible authority. The regulation also applies to companies that are completely or partially state-owned. For all of the abovementioned activities, the state itself has no - or limited - opportunities to prevent inappropriate transitions. To make it impossible to circumvent the regulation, the Act covers transitions to both assignments and employment in non-state activities and the setting up of a business. However, municipal commissioner, and internal party-political assignments are not covered by the Act.

Ministers state secretaries are obliged by law to report in advance any new assignments and any new employment in non-state activities or the setting up of a business that they plan to begin within twelve months of having left their duties as minister or their employment as state secretary. This kind of general obligation to report to the examination body means that it is not for ministers or state secretaries to decide for themselves whether the transition has to be reported or not. They must provide the examination body with the information it needs for its assessment. However, the examination body must have the right under certain circumstances to gather information from persons other than the minister or the state secretary. If, within twelve months of a minister or state secretary leaving their duties as a minister or their employment as a state secretary, there is a significant change in the content of an assignment, a job or a business that has been examined by the body, the minister or state secretary is obliged to submit a new report to the examination body.

A transitional restriction in the form of a waiting period and/or subject restrictions may be issued for a maximum of twelve months Under our proposal, a transitional restriction should be issued if certain criteria are met.

One kind of transitional is a *waiting period*. This means that the minister or state secretary is not permitted to begin a certain assignment or employment or to set up a certain kind of business, or to have any contact other than about practicalities with the future client or employer.

As there can be situations in which it is not the new assignment, employment or business activity as a whole that may give rise to conflicts of interest and associated risk of damage or unfair advantage but just some parts of it, the law states that there should also be a transitional restriction in the form of a *subject restriction*. This means that the minister or state secretary is not permitted to be involved in certain specified issues or areas within the framework of the new assignment, employment or business activity during a certain period. The criteria for issuing a transitional restriction should be that a minister or state secretary, within the context of their duties as minister or their employment as state secretary, has acquired such information or knowledge meaning that there is a risk, as a result of a certain transition, of financial damage to the state, of unfair advantage for a private party or of damage to public confidence in the state. Therefore, the examination body does not need to observe that actual damage or unfair advantage has arisen. A clearly identifiable risk is sufficient for introducing a restriction.

Both kinds of restriction may apply.

According to the law a transitional restriction may be issued for a maximum of twelve months after the minister or state secretary has finished their duties as minister or their employment as state secretary. The length of the restriction in each individual case should be determined following an assessment of how long the information or knowledge the minister or state secretary has will entail a risk of financial damage to the state, a risk of unfair advantage for a private party or a risk of damage to public confidence in the state.

The intended regulation is aimed to give a sufficient preventive effect. Therefore, possibilities to introduce sanctions has not been seen as necessary.

A provision on due care and attention should apply to all transitions according to the law. To further stress the importance of avoiding conflicts of interest and thus the associated risks of damage or unfair advantage the Act contain a provision on due care and attention. Under this provision, ministers and state secretaries should, when moving to

and conducting a new assignment or new employment or setting up a business, always endeavour to act in such a way that there is no risk of damage to the state, no risk of unfair advantage for a private party, and no risk of damage to public confidence in the state.

GRECO Group of States against Corruption under Council of Europe has made recommendations to Sweden that an independent assessment of the implementation of the above mentioned Act should be conducted and that the Act be amended, if necessary, in view of its results and considering widening the scope of the Act to cover a broader range of persons entrusted with top executive functions. The recommendations were given in the fifth evaluation round 2018.

No further restrictions are applicable concerning former public officials.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The Swedish Annual Accounts Act

The Swedish Annual Accounts Act lays down the provisions of the sustainability reporting mechanism. Approx. 2300 companies have to have a Sustainability report.

Chapter 6 Section 10 (unofficial translation which does not contain the full paragraph)

The management report for a company must include a sustainability report if the company meets **more than one of the following conditions**:

1. The average number of **employees** in the company has under each of the last two the financial years amounted to more than **250**,
2. The company's reported **balance sheet** total has for each of the two last fiscal year amounted to more than SEK **175 million**,
3. The company's reported **net sales** have for each of the two last fiscal year amounted to more than **350 million SEK**.

The first paragraph does not apply to a company that is a subsidiary of it and its all subsidiaries are covered by a sustainability report for the Group.

Anyone who, according to the second paragraph, does not make any sustainability report shall state this in a note to the annual report and state the name, organizational or personal identification number and registered office of the parent company that draws up the sustainability report for the Group.

Chapter 6 section 12

The Sustainability report a shall contain the sustainability information to the extent necessary for an understanding of the undertaking's development, performance, position and impact of its activity, relating to, as a minimum, environmental, social and employee matters, respect for human rights, **anti-corruption and bribery matters**, including:

1. The company's business model,
2. a description of the policies pursued by the undertaking in relation to those matters, including due diligence processes implemented;
3. the outcome of those policies;
4. the principal risks related to those matters linked to the undertaking's operations including, where relevant and proportionate, its business relationships, products or services which are likely to cause adverse impacts in those areas,
5. and how the undertaking manages those risks;
6. non-financial key performance indicators relevant to the particular business.

Where the undertaking does not pursue policies in relation to one or more of those matters, the non-financial statement shall provide a clear and

reasoned explanation for not doing so.

Swedish national fraud center

Stockholm has a national fraud center. The purpose of the center is to work with crime coordination, preventive issues and method development, with the aim of reducing crime and increase prosecution.

The idea is that the Swedish police will thus be able to coordinate their resources and detect the related fraud, whether they relate to identity theft, scam invoices, skimming or loss of contributions.

34. Paragraph 3 of article 12

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

- (a) The establishment of off-the-books accounts;
- (b) The making of off-the-books or inadequately identified transactions;
- (c) The recording of non-existent expenditure;
- (d) The entry of liabilities with incorrect identification of their objects;
- (e) The use of false documents;
- (f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In general, the above mentioned acts fall within the scope of Chapter 11 Section 5 of the Swedish Criminal Code (accounting offence) or may be considered as money laundering offences under the Section 3-6 of the Act on Penalties for Money Laundering Offences. The intentional destruction of bookkeeping documents that do not constitute an accounting offence (Chapter 11 Section 5 of the Swedish Criminal Code) may be considered as suppression of the probative function of an instrument (Chapter 14 Section 4 of the Code).

Sweden imposes liability against a legal person for criminal acts through a system of "corporate fines" (Chapter 36 Section 7-10 a, of the Swedish Criminal Code). The corporate fine system is generally applicable and do not only apply to offences falling within the scope of the Convention.

A fine may be imposed where:

- (a) The crime was committed by a person in a leading position, i.e. someone with a power to represent or take decisions on behalf of the legal person,
- (b) The crime was committed by a person responsible for the supervision or control of the business, or
- (c) The legal person did not take reasonable steps to prevent the crime.

The current maximum corporate fine is 10 million Swedish Crowns (EUR 930 000). However, a Government Bill (prop. 2018/19:164) was submitted to Parliament in September 2019. Once adopted by Parliament, the new legislation will enter into force on 1 January 2020. In the Bill, the Government proposes that the maximum amount for corporate fines is increased from 10 million Swedish Crowns to 500 million Swedish Crowns. The Government also proposes extended jurisdiction over Swedish companies for extraterritorial foreign bribery committed by a non-Swedish national (which may lead to fines against the legal person), an expansion of the scope of application of corporate fines to cover not only entrepreneurs/business activities but also public sector activities that can be equated with business activities and other activities conducted by a legal person if the illegal act was intended to bring the legal person financial benefit.

To summarize, Sweden live up to the commitments under article 12.3 of the Convention.

1525

- 1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The Swedish Tax Agency

The Swedish Tax Agency regularly encounters this type of misconduct in investigations of tangle/ of cases of undeclared labor. However, there are no statistics or other compilation of cases where connection has been made to bribery.

35. Paragraph 4 of article 12

4. Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The Swedish Tax Agency

The Swedish Tax Agency refuses recurring deductions for different types of sponsorship / representation where it is unclear what external parties have received in terms of value. In some cases, these could be referred to as bribes. However, notification of bribery has only occurred in isolated cases. The following are examples from the Swedish Tax Agency's activities:

Company in the forestry sector "Skogsbolaget"

It became known through media that Skogsbolaget invited people outside the company on luxury yacht trips and private jet flights. Skogsbolaget was subject to criminal investigation, among other things. corruption (bribery). The Swedish Tax Agency's review showed that Skogsbolaget had already treated all the aforementioned costs as non-deductible, which did not cause any tax adjustment. The Swedish Tax Agency never raised the question of whether those who were offered the hunt or trips would also be awarded a benefit, since it was problematic to determine who issued the benefit.

Company in the construction sector "Byggbolaget"

In connection with a transfer pricing audit of Byggbolaget, The Swedish Tax Agency learned that it had been accused of bribery by their subsidiaries in Brazil and respectively the Czech Republic. The prosecutor had initiated a preliminary investigation and conducted the house search of the parent company in Sweden. There were no costs for bribes in Sweden,

but the parent company here, which The Swedish Tax Agency reviewed, had applied for a deduction of about SEK 130 million for legal fees etc. in order to defend against the bribery charges. The costs had mainly arisen in Brazil and the Czech Republic. From an internal pricing perspective the parent company in Sweden was only allowed to deduct a reasonable SEK 25 million.

Due diligence

A number of cases were discovered in connection with takeover and due diligence. A case was initiated following a request for reconsideration where the acquirer wanted to reduce its deductions by an unspecificable item at this time as they had no control over the extent of the bribes, only that they had given bribes. However, the reconsideration was revoked as their forensic team could not determine what was actually bribery and what could be suspected of being bribery. In another case, the Swedish Tax Agency worked with the company's internal investigators. The company had reconstructed the management's private properties and paid for travel and furniture. The case was also investigated by prosecutors.

36. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

13. Participation of society

37. Paragraph 1 of article 13

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

- (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
- (b) Ensuring that the public has effective access to information
- (c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;
- (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
 - (i) For respect of the rights or reputations of others;
 - (ii) For the protection of national security or ordre public or of public health or morals.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

There are several examples where government agencies and experts collaborate and participate in different activities arranged by private organizations. There are also example of where stake-holders and private organizations are invited to share their knowledge and experience, for example at conferences where anti-corruption and integrity issues are discussed.

There are two known organizations in Sweden working with corruption. Transparency International Sweden (TI Sweden) and The Swedish Anti-corruption Institute (IMM). TI Sweden is an independent non-for-profit organization that, together with a hundred national chapters worldwide, is part of the global coalition Transparency International. TI Sweden is conducting broad awareness raising efforts to inform decision-makers and the public about the harmful effects of corruption. TI Sweden works for greater transparency, integrity and accountability in both public and private sectors.

The IMM is a non-profit organization founded in 1923. The Institute's mission is to promote ethical decision processes within business as well as within the rest of the community and to prevent the use of bribes and other types of corruption as a means for affecting decision processes. For more information about the IMM, see the answer under article 6.1.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

The Freedom of association is an important part of Swedish democracy and are protected through our constitution. This together with the freedom of expression and the freedom of information have a long tradition In Sweden and are pillars that the Swedish democracy are built upon.

The principle of public access (see the answer under article 10 for more information about this principle) to official documents is very important to grant transparency and to create opportunities for associations outside government to engage in different kind of matters. In order to guarantee an open society with access to information about the work of the Riksdag (Swedish parliament), Government and government agencies, the principle of public access to official documents has been incorporated into one of the fundamental laws, the Freedom of the Press Act. This act was established 250 years ago and the first in the world of its kind.

38. Paragraph 2 of article 13

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden complies with this provision. IMM and TI Sweden (se description above) are both established institutions known to the public, mainly through media activities. There are several examples where these organization have criticized public institutions, regarding the lack of risk awareness and anti-corruption measures taken, and demands are put on the government to take action.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Sweden has no examples to provide.

39. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

14. Measures to prevent money-laundering

40. Subparagraph 1 (a) of article 14

1. Each State Party shall:

(a) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden has a comprehensive regulatory and supervisory regime that covers or goes beyond the requirements in the Article.

Sweden was assessed by the FATF in 2017. A follow-up report was issued in 2018. Please see <http://www.fatf-gafi.org/publications/mutualevaluations/documents/mer-sweden-2017.html> and <http://www.fatf-gafi.org/publications/mutualevaluations/documents/fur-sweden-2018.html> for details. For your reference, the table of technical compliance with the FATF's Recommendations from the 2018 follow-up report is reproduced here:

Table 2. Technical compliance with re-ratings, June 2018

| | | | | | | | | | |
|------|------|------|------|------|------|------|------|------|------|
| R 1 | R 2 | R 3 | R 4 | R 5 | R 6 | R 7 | R 8 | R 9 | R 10 |
| LC | C | LC | LC | LC | PC | PC | LC | C | LC |
| R 11 | R 12 | R 13 | R 14 | R 15 | R 16 | R 17 | R 18 | R 19 | R 20 |
| C | C | LC | C | C | C | LC | LC | C | C |
| R 21 | R 22 | R 23 | R 24 | R 25 | R 26 | R 27 | R 28 | R 29 | R 30 |
| C | LC | LC | LC | LC | PC | LC | LC | C | C |
| R 31 | R 32 | R 33 | R 34 | R 35 | R 36 | R 37 | R 38 | R 39 | R 40 |
| LC | PC | LC | LC | LC | C | LC | LC | C | C |

Note: There are four possible levels of technical compliance: compliant (C), largely compliant (LC), partially compliant (PC), and non-compliant (NC).

Since the FATF's requirements are much more detailed than the requirements in Article 14, and since Sweden meets them in the relevant areas (in particular Recommendations 1, 2, 8-25 which go into much greater detail than the subparagraph in question), Sweden meets the requirements.

Please also see the attached translations of the relevant legal acts in this area (the Act on Measures against Money Laundering and Terrorist Financing, the Act on Registration of Beneficial Ownership and the Ordinance on Measures against

Money Laundering and Terrorist Financing).

For examples of practical implementation, case studies, statistics, etc., please see the FATF's 2017 assessment of Sweden and the 2018 follow-up report.

1525

- 1 **Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.**

Please see the FATF's 2017 Mutual Evaluation of Sweden, chapters 5-7.

41. Subparagraph 1 (b) of article 14

1. Each State Party shall:

...

(b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

As per the table referred to in 14.1 a), Sweden is largely or fully compliant with the FATF's Recommendations 2, 20, 29 and 36-40. That means that all relevant agencies can coordinate and cooperate nationally and internationally, and that there is an FIU which operates according to the FATF Standards.

Since the FATF's requirements are much more detailed than the requirements in Article 14, and since Sweden meets them in the relevant areas, Sweden meets the requirements.

Please also see the attached translations of the relevant legal acts in this area (the Act on Measures against Money Laundering and Terrorist Financing, the Act on Registration of Beneficial Ownership and the Ordinance on Measures against Money Laundering and Terrorist Financing).

For examples of practical implementation, case studies, statistics, etc., please see the FATF's 2017 assessment of Sweden and the 2018 follow-up report.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please see the FATF's 2017 Mutual Evaluation of Sweden, chapter 8.

42. Paragraph 2 of article 14

2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden is in compliance with this provision through the implementation of Regulation (EC) No 1889/2005 of the European parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community.

This regulation places an obligation on any individual entering or leaving the EU and carrying cash (i.e. bearer-negotiable instruments and currency) of a value of EUR 10,000 or more to declare that sum to the competent authorities. The information provided in the declaration must be correct and complete, otherwise the declaration is invalid. In the event of failure to comply with the obligation to declare, cash may be detained by a administrative decision. Officials of the competent authorities may check compliance with the obligation to declare by carrying out controls on individuals. This includes controls on the individuals themselves, their baggage and their means of transport. The competent authority in Sweden is Swedish Customs (SV: Tullverket). Penalties are applicable in the event of failure to comply with the obligation to declare.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Statistics on declared cross-border cash transfers

| Year | No of declarations | Value (million EUR) |
|------|--------------------|---------------------|
| 2016 | 839 | 600 |
| 2017 | 756 | 200 |
| 2018 | 436 | 200 |

The drop in declarations and value 2017 and 2018 is due to the fact that the cash transports between Sweden and Norway have decreased significantly.

Statistics on detected undeclared cross-border cash transfers

Approx. 7 cases/year during the period 2016-2018.

Source: Swedish Customs

43. Paragraph 3 of article 14

3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:

- (a) To include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;
- (b) To maintain such information throughout the payment chain; and
- (c) To apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

- 1** Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

As an EU Member State, Sweden is subject to Regulation 2015/847 on information accompanying transfers of funds. Please see <https://publications.europa.eu/en/publication-detail/-/publication/abb3dbb8-0b48-11e5-8817-01aa75ed71a1/language-en> for the Regulation in its entirety, which meets the requirements of the paragraph.

1525

- 1** Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

See above.

For statistics on electronic transfers of funds, please see the central bank's web site: <http://www.riksbank.se/en-gb/>.

44. Paragraph 4 of article 14

4. In establishing a domestic regulatory regime and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In addition to Sweden's compliance with the FATF's Recommendations as detailed above, Sweden is also party to the relevant international conventions in this area, including the Vienna Convention, the Palermo Convention, the UN Convention against Corruption and the Terrorist Financing Convention. Sweden is further one of the few FATF members to have demonstrated both technical compliance and practical effectiveness such that the FATF has placed Sweden in the lightest possible follow-up category. At the time of writing (August 2019), only seven other FATF members had managed to demonstrate the same.

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

See above. Once ratified, the instruments of ratification of the international conventions in question are deposited with the UN secretariat.

45. Paragraph 5 of article 14

5. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden is one of the few FATF members to have been rated highly effective on Immediate Outcome 2 which deals with international cooperation. At the time of writing (August 2019), only two other FATF members had managed to demonstrate the same. For examples of practical implementation, case studies, statistics, etc., please see the FATF's 2017 assessment of Sweden, chapter 8.

Also see the response under article 14.1 b).

1525

1 Please provide examples of the implementation of those measures, including related court or other cases, available statistics etc.

Please see the FATF's 2017 assessment of Sweden, chapter 8.

46. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

V. Asset recovery

51. General provision

225. Article 51

1. The return of assets pursuant to this chapter is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1524

- 1** Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention, including identifying both any legal authorities/procedures for accepting requests for asset recovery and assessing that these requests are reasonably substantiated and supplemented as well as any time frame established under domestic laws and procedures for their execution, taking into account requests received from countries with similar or different legal systems and any challenges faced in this context.

The Swedish Economic Crime Authority and the Swedish Police Authority are responsible for the function Asset recovery office (ARO) in Sweden.

Sweden participates in the Camden Asset Recovery Inter-Agency Network (CARIN) with contact points in over 50 countries. There are contact persons for the network in both the Swedish Economic Crime Authority and the Swedish Police Authority.

Also, see the answers below under chapter 5.

1526

- 1** Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

According to statistics from the Swedish Police Authority, the amount of money of cases of damages, confiscation and company fines in judgments in which the authority has been involved, is 183 662 887 SEK since 2012. The authority has had about 40 legal aid cases.

226. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

52. Prevention and detection of transfers of proceeds of crime

227. Paragraph 1 of article 52

1. Without prejudice to article 14 of this Convention, each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden has a comprehensive regulatory and supervisory regime that covers or goes beyond the requirements in the Article.

Sweden was assessed by the FATF in 2017. A follow-up report was issued in 2018. Please see <http://www.fatf-gafi.org/publications/mutualevaluations/documents/mer-sweden-2017.html> and <http://www.fatf-gafi.org/publications/mutualevaluations/documents/fur-sweden-2018.html> for details. For your reference, the table of technical compliance with the FATF's Recommendations from the 2018 follow-up report is reproduced here:

Table 2. Technical compliance with re-ratings, June 2018

| | | | | | | | | | |
|------|------|------|------|------|------|------|------|------|------|
| R 1 | R 2 | R 3 | R 4 | R 5 | R 6 | R 7 | R 8 | R 9 | R 10 |
| LC | C | LC | LC | LC | PC | PC | LC | C | LC |
| R 11 | R 12 | R 13 | R 14 | R 15 | R 16 | R 17 | R 18 | R 19 | R 20 |
| C | C | LC | C | C | C | LC | LC | C | C |
| R 21 | R 22 | R 23 | R 24 | R 25 | R 26 | R 27 | R 28 | R 29 | R 30 |
| C | LC | LC | LC | LC | PC | LC | LC | C | C |
| R 31 | R 32 | R 33 | R 34 | R 35 | R 36 | R 37 | R 38 | R 39 | R 40 |
| LC | PC | LC | LC | LC | C | LC | LC | C | C |

Note: There are four possible levels of technical compliance: compliant (C), largely compliant (LC), partially compliant (PC), and non-compliant (NC).

Since the FATF's requirements are much more detailed than the requirements in Article 52, and since Sweden meets them in the relevant areas (in particular Recommendations 10, 12 and 24, which go into much greater detail than the subparagraph in question), Sweden meets the requirements. Please see the various responses to the questions under article 14 for the technical details.

Please also see the attached translations of the relevant legal acts in this area (the Act on Measures against Money Laundering and Terrorist Financing, the Act on Registration of Beneficial Ownership and the Ordinance on Measures against Money Laundering and Terrorist Financing). The relevant provisions in the Act

on Measures against Money Laundering and Terrorist Financing, attached in its entirety, are in chapters 1-4.

For examples of practical implementation, case studies, statistics, etc., please see the FATF's 2017 assessment of Sweden.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please see the various responses to the questions under article 14 for technical details and examples of implementation.

228. Subparagraph 2 (a) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

(a) Issue advisories regarding the types of natural or legal person to whose accounts financial institutions within its jurisdiction will be expected to apply enhanced scrutiny, the types of accounts and transactions to which to pay particular attention and appropriate account-opening, maintenance and record-keeping measures to take concerning such accounts; and

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please see the Act on Measures against Money Laundering and Terrorist Financing, Chapter 3, for the situations when enhanced customer due diligence is required.

In addition, much more guidance, formal and informal, is available to financial institutions on these issues. Please see the supervisor's website (in English):

[<https://fi.se/en/bank/money-laundering/>](https://fi.se/en/bank/money-laundering/)

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See above.

Also see the various responses to the questions under article 14 for the technical details and examples of implementation.

229. Subparagraph 2 (b) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

...

(b) Where appropriate, notify financial institutions within its jurisdiction, at the request of another State Party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions will be expected to apply enhanced scrutiny, in addition to those whom the financial institutions may otherwise identify.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please see the Act on Measures against Money Laundering and Terrorist Financing, Chapter 1, sections 9-10, for the definition of politically exposed persons, their family members and close associates. Financial institutions should always apply enhanced due diligence to those persons pursuant to Chapter 3 of the same Act, which we refer to in our response to subparagraph 2(a).

Also see the FATF's analysis of Sweden's compliance with recommendation 12.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See above.

Also see the various responses to the questions under article 14 for the technical details and examples of implementation.

230. Paragraph 3 of article 52

3. In the context of paragraph 2 (a) of this article, each State Party shall implement measures to ensure that its financial institutions maintain adequate records, over an appropriate period of time, of accounts and transactions involving the persons mentioned in paragraph 1 of this article, which should, as a minimum, contain information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Please see the Act on Measures against Money Laundering and Terrorist Financing, Chapter 5, sections 3-4, which contains provisions on record keeping requirements. Swedish law in this regard is fully compliant with the FATF's Recommendation 11, as detailed in our response under article 14.

Also see the FATF's analysis of Sweden's compliance with recommendation 11.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See above.

231. Paragraph 4 of article 52

4. With the aim of preventing and detecting transfers of proceeds of offences established in accordance with this Convention, each State Party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group. Moreover, States Parties may consider requiring their financial institutions to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Pursuant to the Companies Act, Chapter 3, section 1, any Swedish limited liability company must have its headquarters in Sweden, and pursuant to the Banking and Financing Business Act, Chapter 6, section 6, the same applies to banks. Furthermore, pursuant to the Banking and Financing Business Act, Chapter 15, section 3, any bank that receives a licence but which has no activity in Sweden will have its licence withdrawn. Additionally, the Act on Measures against Money Laundering and Terrorist Financing, Chapter 2, sections 6-7, contain a prohibition on anonymous accounts and correspondent banking relationships with shell banks.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Please see https://www.fi.se/contentassets/17526308b72c4d4e988b1556ad1135bc/key_equipment_12-6004ny.pdf for an example of when a licence to operate was withdrawn by the supervisor for this reason.

232. Paragraph 5 of article 52

5. Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. Each State Party shall also consider taking such measures as may be necessary to permit its competent authorities to share that information with the competent authorities in other States Parties when necessary to investigate, claim and recover proceeds of offences established in accordance with this Convention.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

This is not a mandatory provision as countries are only required to consider, not implement. Nonetheless, Sweden has implemented a system such as the paragraph suggests. Ministers, as well as other relevant public officials, should disclose direct or indirect ownership of financial instruments. This requirement is provided for Act (2018:1625) on the obligation for certain public officials to report holdings of financial instruments. Pursuant to Swedish constitutional provisions, any document kept within any public authority is generally public and available for sharing with other competent authorities if necessary. This means that unless there are reasons for secrecy, there would be nothing to impede Swedish authorities from sharing this information with international counterparts.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden is happy to provide you with an example of a disclosure form (in Swedish) if you wish.

233. Paragraph 6 of article 52

6. Each State Party shall consider taking such measures as may be necessary, in accordance with its domestic law, to require appropriate public officials having an interest in or signature or other authority over a financial account in a foreign country to report that relationship to appropriate authorities and to maintain appropriate records related to such accounts. Such measures shall also provide for appropriate sanctions for non-compliance.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden complies with the provision in the sense that we have considered it, but ultimately chosen another model. This is not a mandatory provision as countries are only required to consider, not implement.

Please see above. The disclosure requirements that Sweden has implemented relate to financial instruments, not accounts.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide.

234. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

53. Measures for direct recovery of property

235. Subparagraph (a) of article 53

Each State Party shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to Chapter 11, Section 2 of the Code of Judicial Procedure, corporations, associations, foundations or other such institution, which may acquire rights and assume obligations, as well as the State, may be a party to court proceedings. There are no provisions that treat foreign such entities differently. Nothing prevents other States parties from standing before the Swedish courts, claiming title to or ownership of property acquired through the commission of an offence established in accordance with the Convention.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Before ratifying the convention, the assessment was made that Sweden complies with the requirements of the convention (Government Bill, Prop. 2006/07:74 pp. 62-63).

To the Government's knowledge there are no cases where State Parties have initiated civil action in the Swedish courts to establish title or prior ownership of property acquired through the commission of an offence established by the Convention.

236. Subparagraph (b) of article 53

Each State Party shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences; and

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Before ratifying the convention, the assessment was made that Sweden complies with the requirements of the convention. The Swedish legal framework was compared with the relevant provisions of the convention.

The Swedish Tort Liability Act contains rules about compensation for loss or damage. According to provisions in chapter 2, a damage to things shall be compensated if it was caused intentionally or negligently, and pure economic loss shall be compensated if it was caused through the commission of a crime. Nothing prevents other States parties from standing before the Swedish courts, claiming and receiving compensation or damages accordingly. The possibilities to demand compensation for damages in a criminal case are regulated in chapter 22 in the Code of Judicial Procedure. According to these provisions, a person convicted of a crime could, in the same court proceedings, be obliged to pay damages to e.g. a state that has suffered damages as a result of that crime. If the private claim is not entertained in conjunction with the prosecution, an action shall be instituted in the manner prescribed for civil actions.

The Swedish Tort Liability Act

Chapter 2, Section 1

Anybody who intentionally or negligently causes a personal injury or a damage to things shall compensate it.

Chapter 2, Section 2

Anybody who causes pure economic loss through the commission of a crime shall compensate it.

The Swedish Code of Judicial Procedure

Chapter 22, Section 1

An action against the suspect or accused or a third person for a private claim in consequence of an offence may be conducted in conjunction with the prosecution of the offence. When the private claim is not entertained in conjunction with the prosecution, an action shall be instituted in the manner prescribed for civil actions.

Chapter 22, Section 2

When a private claim is based upon an offence subject to public prosecution, the prosecutor, upon request of the aggrieved person, shall also prepare and present the aggrieved person's action in conjunction with the prosecution, provided that no major inconvenience will result and that the claim is not manifestly devoid of merit. If the aggrieved person desires to have his claim entertained together with the prosecution, he shall notify the investigation leader or the prosecutor of the claim and state the circumstances upon which it is based.

During the inquiry of an offence, if the investigation leader or the prosecutor finds that a private claim may be based upon the offence, he shall, if possible, notify the aggrieved person in sufficient time prior to the institution of the prosecution.

Paragraphs 1 and 2 shall apply also when the claim has been transferred to another person.

1526

- 1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.**

Sweden has no examples to provide.

237. Subparagraph (c) of article 53

Each State Party shall, in accordance with its domestic law:

...

(c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party's claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Before ratifying the convention, the assessment was made that Sweden complies with the requirements of the convention. The Swedish legal framework was compared with the relevant provisions of the convention.

According to chapter 36, section 5, in the Swedish Criminal Code, property belonging to a bona fide third party can be confiscated only if the third party e.g. received the property as a gift or inherited it. Nothing prevents other States parties from standing before the Swedish courts, claiming to be and being recognized as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention. According to chapter 22 in the Swedish Code of Judicial Procedure, an action for such a private claim may be conducted in conjunction with the prosecution of the offence and the prosecutor's action for confiscation.

The Swedish Criminal Code
Chapter 36, Section 5

Who can be subject to confiscation, etc

Property or its value may, unless otherwise provided, be confiscated as a result of an offence from:

- a) the perpetrator or another person who was an accomplice to the offence;
- b) a person in whose place the perpetrator or other accomplice was;
- c) a person who obtained a benefit from the offence or a business operator referred to in Section 4;
- d) a person who acquired the property after the offence through a division of marital property, or due to a bequest or will, or through a gift, or who acquired the property after the offence in some other way, and thereby knew or had reasonable cause to assume the connection between the property and the offence.

If, at the time of the offence, the property did not belong to a person referred to in the first paragraph, points a-c, it may not be declared confiscated. However, property that is considered proceeds under Section 1c may be declared confiscated if the property that the confiscated property replaced belonged, at the time of the offence, to a person referred to in the first paragraph, points a-c. Act 2016:486.

The Swedish Code of Judicial Procedure
Chapter 22, Section 1

An action against the suspect or accused or a third person for a private claim in consequence of an offence may be conducted in conjunction with the prosecution of the offence. When the private claim is not entertained in conjunction with the prosecution, an action shall be instituted in the manner prescribed for civil actions.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide.

238. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

54. Mechanisms for recovery of property through international cooperation in confiscation

239. Subparagraph 1 (a) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to give effect to an order of confiscation issued by a court of another State Party;

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In the *Act on International Cooperation in the Enforcement of Criminal Judgments* (1972:260) there are provisions regarding the enforcement of a confiscation order/forfeiture decision issued in another state.

To the extent it is required in agreements that Sweden has entered into with foreign states, the Government may order that a custodial sentence, fine or forfeiture imposed or passed down following a criminal trial in the foreign state, or a fine or forfeiture imposed or passed down by an authority other than a court in that State, may be enforced in Sweden under the Act (see section 1). Regarding United Nations Convention against Corruption, the Swedish Government has ordered that a confiscation order issued in another state party may be enforced here in accordance with the provisions in the Act (see the *Ordinance on international cooperation in the enforcement of criminal judgments* (1977:178) section 21 h).

Enforcement in Sweden may only occur following a request by a competent authority in the foreign state. A request is sent to the Ministry of Justice. If a request is not rejected, it must be referred to the Office of the Prosecutor-General for further processing. If the request only applies to the enforcement of a confiscation order, the Office of the Prosecutor-General may examine the request itself (see the Act sections 5, 8 and 16).

Criminal judgements may not be enforced in Sweden if, e.g., the judgement has not become final and non-appealable, the act to which the sanction refers does not correspond to an offence under Swedish law, enforcement in Sweden would be incompatible with fundamental principles of the Swedish legal order and enforcement would contravene Sweden's international obligations (see section 5).

As to the issue of conviction or non-conviction based proceedings, see the

answer to question 241 (article 54.1 c). Sweden also wishes to refer to information provided on article 31, paragraph 8, of the Convention in our previous self-assessment report.

Regarding the enforcement of confiscation orders within the EU there are provisions in the *Act on the Recognition and Enforcement of Confiscation Orders within the European Union* (2011:423).

Regarding the enforcement of confiscation orders within the Nordic countries there are provisions in the *Act concerning cooperation with Denmark, Finland, Iceland and Norway on the enforcement of criminal sanctions etc.* (1963:193).

1526

- 1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Case study

A preliminary investigation regarding suspicion of gross giving and gross taking of bribes began in 2012. Representatives of a Swedish corporate group were suspected of having paid large sums of money to a relative of a senior politician in country Y in exchange for an authority in that country to grant the necessary permits for the group to start operations in the country. The amounts had been paid to a bank account belonging to company X which was registered in another country. Company X was controlled by the above mentioned relative with another person registered as a formal representative.

During the investigation, information was received implicating that the company X had opened an account with a Swedish bank and had made very large deposits on the account. It could be suspected that the amounts deposited were part of the bribes to the relative. In order to ensure a possible future forfeiture, the Swedish prosecutor, pending the decision of the district court, decided to seize the bank account, after which the district court, on the prosecutor's request, decided to sequester the amount on the account.

Later on investigations were also initiated in other jurisdictions, including in the Netherlands, concerning the branch in the country Y in which the Swedish group was active.

In an application for MLA, the Netherlands thereafter applied for sequestration in Sweden regarding the assets on the Swedish bank account. On behalf of the Netherlands, a Swedish prosecutor made such a request to a Swedish court whereafter the court decided accordingly.

The Dutch court subsequently convicted the company X of having received bribes and that the company's profits would be forfeited. In an application to Sweden, the Netherlands applied to the Swedish Enforcement Agency for enforcement of the

judgment in the assets in the Swedish bank account. The request was accepted and the Netherlands received the entire account balance. Through a later agreement on asset-sharing between Sweden and the Netherlands, Sweden received half of the assets.

240. Subparagraph 1 (b) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law; and

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

If Sweden receives a request from another State Party to order the confiscation of certain property, such request will be handled as a request to initiate criminal law proceedings to obtain a confiscation order. This means that general Swedish regulations on confiscation will be applicable. These regulations do not differentiate between property of domestic and foreign origin. Coercive measures can be used to ensure a subsequent confiscation order.

Sweden has an “all crimes” approach to money laundering which means that all criminal offences which generate proceeds can be predicate offences to money laundering. The Swedish criminal legislation covers all categories of offences. No limitation or threshold is placed on the predicate crime. This means that not only offences involving alienation or acquisition can constitute a valid predicate offence to money laundering; offences by which someone is enriched as a result of a tax/customs offence or other evasion offence are encompassed by the term “property deriving from an offence or criminal activities” and can consequently be a predicate offence to money laundering.

Proceeds

Unless it is manifestly unreasonable the following property shall, in accordance with Section 9 of the Act on Penalties for Money Laundering Offences, be confiscated:

1. money or other property that has been the subject of an offence under the Act or the value of such property;
2. the proceeds of an offence under the Act; and
3. anything a person has received in payment for costs incurred in conjunction with an offence under the Act or the value of such receipts, provided that such receipt constitutes an offence under the Act.

With regard to offences under the Swedish Criminal Code, same principles are applicable concerning proceeds (Chapter 36 Section 1-1 C of the Code).

Instrumentalities

Section 10 of the Act on Penalties for Money Laundering Offences establishes that property that has been used as an instrumentality in an offence under the Act may be confiscated if needed in order to prevent crime or if there are other special reasons. This also applies to property intended for use as an instrumentality in an offence under the Act

if the offence has been performed or if the procedure has constituted a punishable attempt or a punishable preparation or conspiracy. The value of such property may be confiscated instead of the property itself.

With regard to offences under the Swedish Criminal Code, same principles are applicable (Chapter 36 Section 2 of the Swedish Criminal Code).

The provisions concerning confiscation in the Swedish Criminal Code as well as the Act on Penalties for Money Laundering Offences do not make any distinction between domestic property and property of foreign origin.

Since all criminal offences which generate proceeds can be predicate offences to money laundry it is possible to effectively use the moneylaundering offence as a basis for confiscation instead of the predicate offence.

1526

- 1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See the case study under article 54.1 a.

241. Subparagraph 1 (c) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

...

(c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Decision on confiscation

As a general rule, confiscation has to be related to a criminal conviction or a decision by a public prosecutor within a pre-trial investigation. However, Chapter 36, sections 1-6 and 14 of the Criminal Code in conjunction with section 3 of the Act on Confiscation in Certain Cases (1986:1009), provide the means for confiscation without a criminal conviction or decision by a public prosecutor in the particular situation when lawful prosecution or conviction cannot be undertaken, due to e.g. the statute of limitations or the death of the perpetrator, provided that a summons was served within five years from the time when the crime was committed. While a non-conviction based confiscation order made within the context of a criminal proceeding in a third country may be enforced in Sweden, a foreign non-conviction based confiscation order made within the context of a civil or an administrative procedure cannot be enforced in Sweden.

In accordance with the Act on the Procedure on Forfeiture in Certain Cases etc. (1986:1009) confiscation is also feasible when no conviction is possible where perpetrators are unknown.

Enforcement of forfeiture imposed or passed down following a criminal trial in a foreign State (also see the answer to question 239)

To the extent it is required in agreements that Sweden has entered into with foreign States, the Government may order that forfeiture imposed or passed down following a criminal trial in the foreign State, or forfeiture imposed or passed down by an authority other than a court in that State, may be enforced in Sweden under the Act on International Cooperation in the Enforcement of Criminal Judgments (1972:260).

Once the request for enforcement has been referred to the Office of the Prosecutor-General, the latter applies to the court for the request to be examined (Section 9 of the Act).

If, through the foreign judgment, a certain amount of money or the value of certain property has been declared forfeited, the court shall, in accordance with Section 14 of the Act, determine an equivalent forfeiture amount in Swedish kronor using the exchange rate that applies at the time of the decision. If the forfeiture amount clearly exceeds the amount that would have been forfeited under Swedish law if the proceedings had taken place in

Sweden, the court may reduce the amount correspondingly. If an object has been declared forfeited, the court may only declare the object forfeited if it would have been possible to declare it forfeited under Swedish law in proceedings in Sweden. If the forfeiture applies to a person other than the sentenced person, the court may only decide on a forfeiture if this would have been possible under Swedish law in proceedings in Sweden.

1526

- 1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 54.1 c.

242. Subparagraph 2 (a) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In the *International Legal Assistance in Criminal Matters Act (2000:562)* there are provisions regarding seizure and provisional attachment to secure enforcement in Sweden of foreign forfeiture decisions.

If forfeiture ordered in another state can be enforced in Sweden (see article 54.1 a) and it can reasonably be anticipated that enforcement in Sweden of the foreign forfeiture decision would otherwise be made more difficult may:

1. property that has been forfeited or that can reasonably be assumed to be forfeit as a result of an offence be seized; or
2. a decision on provisional attachment be made for as much of the assets of the person concerned as correspond to the value of that which has been forfeited or reasonably may be assumed to be forfeit (see chapter 4, section 23).

These provisions are applicable regardless of whether the foreign state has issued a freezing or seizure order or not (article 54.2 a and b of the Convention)

A request for provisional attachment in Sweden shall be dealt with by a prosecutor. The prosecutor shall immediately consider whether the prerequisites for the measure exist and, if so, pass on the request to the court for a decision. A request for seizure in Sweden, or for search of premises in Sweden to search for property that is subject to seizure, shall be dealt with by a prosecutor. Seizures enforced shall be promptly notified to the court for consideration (see chapter 4, sections 15 and 16).

When the court decides on provisional attachment or confirms a seizure enforced, the court shall decide how long the measure may remain in force at most. The time determined may be extended if there is reason to do so. If there is no longer reason for provisional attachment or seizure, the court shall revoke the measure. Before the provisional attachment or seizure is revoked, the court shall give the requesting state

an opportunity to express its views, unless this is manifestly unnecessary. Otherwise, the measure shall remain in force until such time as a request for enforcement is considered (see chapter 4, section 24).

Regarding the regulation within the EU there are provisions in the *Act on Recognition and Execution of European Union Freezing Decisions* (2005:500).

1526

- 1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See the example described under article 54.1 a, question 239.

243. Subparagraph 2 (b) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

See the answer to question 242.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See the example described under article 54.1 a, question 239.

244. Subparagraph 2 (c) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

...

(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

This is not a mandatory provision. Sweden has not adopted (or considered) any measures to implement this provision.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 54.2 c.

245. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

55. International cooperation for purposes of confiscation

246. Paragraph 1 of article 55

1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with articles 31, paragraph 1, and 54, paragraph 1 (a), of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, situated in the territory of the requested State Party.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Regarding article 55.1 a) see the answer to question 240. Regarding article 55.1 b) see the answer to question 239.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See the example described under article 54.1 a.

247. Paragraph 2 of article 55

2. Following a request made by another State Party having jurisdiction over an offence established in accordance with this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In Sweden the Swedish Enforcement Agency is responsible for identifying and tracing assets in general, while the Swedish Police Authority is in charge of tracing designated property. Regarding the procedures available for freezing or seizing property, see the answer to question 242.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See the example described under article 54.1 a.

248. Paragraph 3 of article 55

3. The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:

(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated, including, to the extent possible, the location and, where relevant, the estimated value of the property and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested, a statement specifying the measures taken by the requesting State Party to provide adequate notification to bona fide third parties and to ensure due process and a statement that the confiscation order is final;

(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested and, where available, a legally admissible copy of an order on which the request is based.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Mutual legal assistance regarding freezing and seizure is regulated in the *International Legal Assistance in Criminal Matters Act*. Pursuant to chapter 3, section 1, the provisions of chapter 2, section 4, first and third paragraphs, shall be applied when legal assistance is requested abroad, unless otherwise follows from an international agreement that binds Sweden or from requirements of the receiving state. There are also additional provisions in the *International Legal Assistance in Criminal Matters Ordinance (2000:704)*, section 10.

Regarding forfeiture there are provisions in the *Ordinance on international cooperation in the enforcement of criminal judgements (1977:178)*, sections 9 and 10.

International Legal Assistance in Criminal Matters Act

Chapter 3, section 1

The provisions of Chapter 2, Section 4, first and third paragraphs, shall be applied when legal assistance is requested abroad unless otherwise follows from an international agreement that binds Sweden or from requirements of the receiving state.

Chapter 2, section 4

A request for legal assistance in Sweden under this Act should contain:

- information about the foreign court or authority that is dealing with the matter;
- a description of the legal proceedings in progress;
- information about the act involved, stating the time and place of the act, together with the provisions that are applicable in the requesting state;
- information about which measure is requested and, when appropriate, in which capacity a person is to be questioned;
- the name and address of the persons involved in the matter.

Chapter 4, Sections 8, 11, 14, 24a, 25, 25b, 25c, 26a, 29 and 29a contain special provisions concerning what a request further should contain in the case of certain kinds of measures.

If the matter is urgent or if enforcement is desired within a specific time limit, this, together with the reasons for the urgency or time limit, shall be stated.

A request for legal assistance shall be made in writing by post, courier or fax. The request may also, upon agreement in the particular case, be sent in another manner.

International Legal Assistance in Criminal Matters Ordinance

Legal assistance abroad

The request

Section 10

In addition to what is stated in Chapter 3, Section 1, first paragraph of the International Legal Assistance in Criminal Matters Act (2000:562), a request by a Swedish prosecutor or court shall contain information concerning

1. the judge or the prosecutor that is dealing with the case or matter, or some other person at the authority who may be contacted,
2. address, telephone and telefax numbers and also, when available, e-mail address, and
3. case or reference number.

When a request is made under an international agreement that applies between Sweden and the other state, this should be stated.

Ordinance on international cooperation in the enforcement of criminal judgements

Section 9

A request for enforcement in a foreign state under Section 1, second paragraph shall contain:

1. the grounds on which the request is based,
2. a certificate that the sanction referred to in the request may be enforced in Sweden,
3. information as to whether any part of the sanction referred to in the request has been enforced, and
4. information about the last date on which enforcement may take place.

A certified transcript of the judgment, summary penalty order accepted or summary imposition of breach-of-regulations fines accepted that the request relates to shall be attached to the request. If the request applies to enforcement of a custodial sentence, a transcript of the documents available concerning the personal circumstances of the sentenced person should also be attached.

Section 10

If the authority in the foreign state requests further information on account of the request, this information shall be provided by the authority that made the request. For that purpose the authority may, when needed, call in the file of the criminal matter and send a certified transcript of the file or parts of it to the authority in the foreign state.

1526

- 1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 55.3.

249. Paragraph 4 of article 55

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral agreement or arrangement to which it may be bound in relation to the requesting State Party.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The actions provided for in article 55.1 and 55.2 are taken by Sweden in accordance with our domestic law, see the answers to questions 246 and 247.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See the example described under article 54.1 a.

250. Paragraph 5 of article 55

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1527

1 Please provide a reference to the date these documents were transmitted, as well as a description of any documents not yet transmitted.

We have attached copies of relevant laws and regulations to our submission of responses to the self-assessment checklist. Unfortunately, we can't say if these documents have been transmitted to the Secretary-General before.

251. Paragraph 6 of article 55

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden can provide assistance under the *International Legal Assistance in Criminal Matters Act* regardless of the existence of an agreement with the other party.

The *Act on International Cooperation in the Enforcement of Criminal Judgments* is, as mentioned in the answer to question 239, applicable only if there is an agreement with the other party and the Government has ordered that the Act applies to the agreement. Regarding United Nations Convention against Corruption, the Swedish government has ordered that a confiscation order issued in another state party may be enforced here under the Act.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 55.6.

252. Paragraph 7 of article 55

7. Cooperation under this article may also be refused or provisional measures lifted if the requested State Party does not receive sufficient and timely evidence or if the property is of a *de minimis* value.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

This is not a mandatory provision. Sweden has not adopted (or considered) any measures to implement this provision.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 55.7.

253. Paragraph 8 of article 55

8. Before lifting any provisional measure taken pursuant to this article, the requested State Party shall, wherever possible, give the requesting State Party an opportunity to present its reasons in favour of continuing the measure.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

See the answer to question 242.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 55.8.

254. Paragraph 9 of article 55

9. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

According to chapter 36, section 5, in the Swedish Criminal Code, property belonging to a bona fide third party can be confiscated only if the third party e.g. received the property as a gift or inherited it.

Also, nothing prevents a bona fide third party to institute a claim for better right to property acquired through the commission of an offence. According to the Swedish Code of Judicial Procedure, chapter 22, section 1, an action for such private claim may be conducted in conjunction with the prosecution of the offence and the prosecutor's action for confiscation.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 55.9.

255. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

56. Special cooperation

256. Article 56

Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

No measures had to be taken.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no statistics on the number of times information on proceeds of offences has been forwarded to another State Party.

257. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530 Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0** (NO) No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

57. Return and disposal of assets

258. Paragraph 1 of article 57

1. Property confiscated by a State Party pursuant to article 31 or 55 of this Convention shall be disposed of, including by return to its prior legitimate owners, pursuant to paragraph 3 of this article, by that State Party in accordance with the provisions of this Convention and its domestic law.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

See the answers to questions 259-264.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See the example described under article 54.1 a.

259. Paragraph 2 of article 57

2. Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Regarding the possibility of returning confiscated property to another state, Swedish regulations go further than the Convention requires.

Concerning the enforcement of foreign forfeiture decisions there are provisions in the *Act on International Cooperation in the Enforcement of Criminal Judgments*. Property or its value forfeited pursuant to the Act accrues to the state. The Government may, at the request of the state that has made the request for enforcement of a forfeiture decision, order that the property or its value be entirely or partially transferred to that state (see section 36).

When it comes to Swedish forfeiture decisions there are provisions in the *International Legal Assistance in Criminal Matters Act*. In accordance with the Act, the Government may decide that property or its value that is forfeited by a Swedish order that has become final and non-appealable shall completely or partially be transferred to another state that has provided Sweden with such legal assistance as is referred to in this Act during a preliminary investigation or trial or that in another way has provided information or assistance that has been of significance for investigating the offence (see chapter 5, section 11).

Note that the Swedish regulations on return and disposal of confiscated property are not limited to certain types of crime.

Regarding the rights of bona fide third parties, see the answer to question 254.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

See the example described under article 54.1 a.

260. Subparagraph 3 (a) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

(a) In the case of embezzlement of public funds or of laundering of embezzled public funds as referred to in articles 17 and 23 of this Convention, when confiscation was executed in accordance with article 55 and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party;

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Since the Swedish regulations on return and disposal of confiscated property are not limited to certain types of crime, we would like to refer to the answer to question 259.

According to Swedish law, there is no legislative basis enabling the waiving of the requirement of a final judgement in the requesting state party.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 57.3 a.

261. Subparagraph 3 (b) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

...

(b) In the case of proceeds of any other offence covered by this Convention, when the confiscation was executed in accordance with article 55 of this Convention and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property;

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

See the answer to question 260. Also, the rules apply regardless of whether the requesting state reasonably establish its prior ownership of such confiscated property or Sweden recognizes damage to the requesting state.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 57.3 b.

262. Subparagraph 3 (c) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

...

(c) In all other cases, give priority consideration to returning confiscated property to the requesting State Party, returning such property to its prior legitimate owners or compensating the victims of the crime.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

This is not a mandatory provision.

Regarding the question of returning confiscated property to its prior owners, the provisions in the Swedish Code of Judicial Procedure mentioned in the answer to question 254 are applicable.

According to Swedish law, there is no possibility to compensate victims of crime through confiscated property. Their right to compensation is regulated in other ways.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 57.3 c.

263. Paragraph 4 of article 57

4. Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

With a few exceptions the Swedish state shall bear the costs when assisting the requesting state. However, extraordinary costs may be reimbursed from the requesting state under certain circumstances (see the *International Legal Assistance in Criminal Matters Act* chapter 5, section 12, and the *International Legal Assistance in Criminal Matters Ordinance*, sections 6-9).

Also in the assessment of whether confiscated property or its value shall be completely or partially transferred to another state (according to the *Act on International Cooperation in the Enforcement of Criminal Judgments* and the *International Legal Assistance in Criminal Matters Act*) the costs for assisting the requesting state can be taken into account.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 57.4.

264. Paragraph 5 of article 57

5. Where appropriate, States Parties may also give special consideration to concluding agreements or arrangements, on a case-by-case basis, for the final disposal of confiscated property.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden has not entered into any agreements or made any other arrangements regarding the final disposal of confiscated property. The judicial cooperation Sweden has with other states is based on legal provisions.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 57.5.

265. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

58. Financial intelligence unit

266. Article 58

States Parties shall cooperate with one another for the purpose of preventing and combating the transfer of proceeds of offences established in accordance with this Convention and of promoting ways and means of recovering such proceeds and, to that end, shall consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating to the competent authorities reports of suspicious financial transactions.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

- 1** Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

The Swedish Financial intelligence unit is placed in the Swedish Police Authority. It works in accordance with the fourth Anti Money Laundering directive and its updates and other relevant regulations on measures against money laundering and financing of terrorism. Sweden is through its Financial intelligence unit actively participating in the international work on combatting money laundering and financing of terrorism. This is done for instance through FATF, EGMONT and relevant actions undertaken by Europol. The mandate is based on international and national legislation. Other international cooperation is actively upheld by bilateral agreements on a daily basis.

The Swedish Financial intelligence unit is part of the anti-money laundering regime, see the picture sent to uncac.cop@unodc.org.

1526

- 1** Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

The Financial intelligence unit is for example working to adapt its IT-system to the UN system goAML. The system will improve the quality of the incoming reported information, increase the analyzing capacity of the Financial intelligence unit and increase the ability to detect and prosecute criminal actors. Reference is also made to FATF's 2017 assessment of Sweden, for examples of practical implementation, case studies, statistics, etc.

267. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.

59. Bilateral and multilateral agreements and arrangements

268. Article 59

States Parties shall consider concluding bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this chapter of the Convention.

1520 Is your country in compliance with this provision?

0 (Y) Yes

1522

1 Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

Sweden has not concluded bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation. The judicial cooperation Sweden has with other states is based on legal provisions.

1526

1 Please provide examples of the implementation of those measures, including related court or other cases, statistics etc.

Sweden has no examples to provide under article 59.

269. Technical Assistance

The following questions on technical assistance relate to the article under review in its entirety.

1529

- 1** Please outline actions required to ensure or improve the implementation of the article under review and describe any specific challenges you might be facing in this respect.

No actions are required.

1530

Do you require technical assistance for the implementation of this article? If so, please specify the forms of technical assistance that would be required. For example:

- 0 (NO)** No assistance would be required

1531

- 1** Is any technical assistance already being provided to you? If so, please provide a general description of the nature of the assistance, including donor information.