

ANTI-CORRUPTION REGULATION

Sweden



Anti-Corruption Regulation

Consulting editors

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Quick reference guide enabling side-by-side comparison of local insights, including into relevant domestic and international law, agencies, enforcement and sanctions; recent landmark investigations and decisions; and other recent trends.

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LAW STATED DATE

Correct on

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Sweden



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RELEVANT INTERNATIONAL AND DOMESTIC LAW

International anti-corruption conventions

To which international anti-corruption conventions is your country a signatory?

Sweden is party to several international anti-corruption conventions; the United Nations Convention against Corruption (ratified in 2007), the Council of Europe Civil Law Convention on Corruption (ratified in 2004), the Council of Europe Criminal Law Convention on Corruption (ratified in 2004) and the Organisation for Economic Co-operation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (ratified in 1999).

Law stated - 08 December 2021

Foreign and domestic bribery laws

Identify and describe your national laws and regulations prohibiting bribery of foreign public officials (foreign bribery laws) and domestic public officials (domestic bribery laws).

The provisions prohibiting bribery of foreign and domestic officials are to be found in the Swedish Penal Code (1962:700) (the Penal Code). The legislation forbids active and passive bribery in relation to anyone who is employed or who holds an assignment. No distinction is made between private and public officials, although passive bribery (bribe taking) and active bribery (bribery) are separated as two different offences.

As supplement to the Penal Code, the Swedish Anti-Corruption Institute, founded in 1923, has published the Code on Gifts, Rewards and other Benefits (the Code of Business Conduct). The Code of Business Conduct is widely acknowledged and covers all forms of benefits. Generally, the Code of Business Conduct is stricter than what would follow from the Penal Code. The aim with the Code of Business Conduct is that anyone who consults the Code on how to act in specific situations shall be able to count on his or her acts being permitted if complying with the Code of Business Conduct. However, the Code is not directly linked to the legislation.

Law stated - 08 December 2021

Successor liability

Can a successor entity be held liable for violations of foreign and domestic bribery laws by the target entity that occurred prior to the merger or acquisition?

The Penal Code only criminalises acts by natural persons and not by legal persons, which is in line with the principles of the Swedish Criminal Law that only natural persons could be held criminally responsible. Thus, companies cannot be criminally responsible. A successor entity could, therefore, under the Penal Code not be criminally liable for bribery.

Acts constituting bribery is only a crime under Swedish law if it violates a domestic bribery law. This is because the Swedish legal system – with some exceptions – is dualistic, meaning that an international convention or other international legal act has to be incorporated into Swedish law to become effective and constitute criminal liability.

If a person has committed the crime of giving or receiving bribes, and the act was committed as part of a company's business activity, the company could face criminal trial under Chapter 36, section 7 of the Penal Code and have a corporate fine imposed on it. A corporate fine under Swedish law is closely related to a criminal sanction, but formally regarded a special effect of a crime (committed by an individual) sanctioning companies for not effectively preventing corruption.

Further, a successor entity can receive a corporate fine for the target entity's violation of a domestic bribery law that occurred prior to a merger. This is a consequence of corporate fines under Swedish law only being imposed on a specific entity. Thus, corporate fines cannot be imposed on parent companies or on a group level.

Law stated - 08 December 2021

Civil and criminal enforcement

Is there civil and criminal enforcement of your country's foreign and domestic bribery laws?

A contract under Swedish law tainted with bribery can be enforced under Swedish civil law provided no objection is raised in court by the infringed party. An agreement between the giver and receiver of bribes has in Swedish case law been considered as being a pactum turpe, and accordingly declared null and void. An agreement that governs an arrangement involving foreign bribes is, therefore, not enforceable in Sweden, if the objection of pactum turpe is raised and proven. A criminal act could also be legal standing for a civil claim for damages.

If a bribery offence is suspected the Swedish police has an obligation to investigate and if a prosecutor assesses a conviction the prosecutor has an obligation to indict. The criminal sanctions for committing bribery are fines or a maximum two years of imprisonment. A severe offence that is deemed to be aggravated could result in between six months and six years of imprisonment. Any proceeds of bribery could also be forfeited.

Law stated - 08 December 2021

Out-of-court disposal and leniency

Can enforcement matters involving foreign or domestic bribery be resolved through plea agreements, settlement agreements, prosecutorial discretion or similar means without a trial? Is there a mechanism for companies to disclose violations of domestic and foreign bribery laws in exchange for lesser penalties?

Swedish law does not acknowledge plea agreements or other forms of settlement between the prosecutor and the defendant. Hence, there is no way to resolve matters concerning bribery without a trial.

There are no specific mechanisms for companies to disclose violations of domestic bribery laws in exchange for smaller fines, but a corporate fine can, under Chapter 36, section 10 of the Penal Code, be reduced if the company voluntarily reports the violation.

Law stated - 08 December 2021

FOREIGN BRIBERY

Legal framework

Describe the elements of the law prohibiting bribery of a foreign public official.

Under Chapter 10, section 5a of the Penal Code, it follows that (1) an employee or anyone who is the holder of an assignment, (2) who receives, accepts a promise of, or requests an improper benefit, (3) for the performance of his or her employment or duty, shall be convicted of bribe taking, and sentenced to pay a fine or maximum two years of imprisonment.

The three key elements of the provision are (1) the parties involved; (2) that the benefit must be given or accepted for the performance of an employment or duty; and (3) that the benefit must be considered as improper.

Anyone who offers, promises or grants an improper benefit to a person covered by the aforementioned provision shall, under Chapter 10, section 5b of the Penal Code, be convicted of bribery. Thus, the provisions are interdependent; although bribery per se does not constitute bribe taking and vice versa. Complicity, conspiracy, aiding and abetting, and attempt to bribe taking and bribery are also criminalised under the Penal Code. Further, the Penal Code only criminalises acts by natural persons and not by legal persons, which is in line with the principles of the Swedish Criminal Law that only natural persons could be held criminally responsible.

If the offence is considered serious, the offender should be sentenced to aggravated bribe taking, or aggravated bribery to between six months and six years of imprisonment. When assessing whether the offence is aggravated it should be considered, among other things, if the offence involved the abuse of a certain responsible position, if the offence was aimed at considerable value or if the offence was part of any crime that was carried out systematically or on a particularly large scale.

The circle of people covered by the provisions includes all employees; both full- and part-time employed, in the public or private sector, irrespective of the person's position, and anyone who is the holder of any assignment based on an agreement, election, mandate or duty. No distinction is made between domestic and foreign officials. Accordingly, both domestic and foreign politicians performing a public function within government or municipalities, judges and other public officials are covered by the definition, and hence targeted by the provisions.

The punishable act consists of giving, offering or promising an improper benefit, which in any case includes any benefit or privilege of economic value such as money, gifts, discounts, favourable mortgagees, etc. There is no unambiguous legal definition of what constitutes an 'improper' benefit. An assessment of all relevant circumstances is, therefore, required in each transaction, although special attention should be given to the nature of the service conducted and the value of the benefit. Special emphasis should also be given to the position or employment of the recipient. A benefit given to a person in a public office is more likely to be deemed improper than a benefit given to someone working in the private sector. In general, if the benefit is intended to influence how the recipient performs his or her duties, it shall be deemed as improper. The provisions also include benefits given both before and after the recipient has taken up his or her duties. Bribery could therefore be committed after the recipient has been employed or given an assignment.

Finally, for it to be an offence, the giving, offering or promising of an improper benefit must be for the performance of the receiver's employment or assignment. There has to be a connection between the giving of the bribe and the performance of the receiver's employment or assignment (ie, a conceivable link needs to be identified between the improper benefit and any measure, which the giver is dependent upon, that the receiver has had a practical possibility to influence). However, it is not necessary for the improper benefit to be tied to a specific errand or situation; it is sufficient if the giver and the receiver hypothetically could have had, in relation to the operation conducted by the receiver's employer or principal, contact with each other.

Generally, the Swedish rules of jurisdiction lay down that a crime committed in Sweden shall be tried under Swedish law by a Swedish court, and acts committed outside of Sweden should only be tried under Swedish law and by a Swedish court if the crime was committed by a Swedish citizen or person domiciled in Sweden. The definition 'committed in Sweden' is very wide.

Swedish law does not impose criminal liability for failing to prevent bribery of a foreign public official, but if a person has committed the crime of giving or receiving bribes, and the act was committed as part of a company's business activity, the company could face criminal trial under Chapter 36, section 7 of the Penal Code and have a corporate fine imposed on it. A corporate fine under Swedish law is a special effect of a crime (committed by an individual) sanctioning companies for not effectively preventing corruption.

Law stated - 08 December 2021

Definition of a foreign public official

How does your law define a foreign public official, and does that definition include employees of state-owned or state-controlled companies?

Chapter 10, section 5a-b of the Penal Code applies to bribery of both domestic and foreign public officials (ie, there is no specific definition of 'foreign public official'). The criminal act includes all officials, both public and private, who are exercising a duty irrespective of their nationality or where the offence is carried out. Consequently, foreign politicians, employees of state-owned or state-controlled companies or others who are performing public functions and services within local or central government can be held responsible for receiving bribes.

Law stated - 08 December 2021

Gifts, travel and entertainment

To what extent do your anti-bribery laws restrict providing foreign officials with gifts, travel expenses, meals or entertainment?

A benefit given to a person with a public office is more likely to be deemed improper than a benefit given to someone working in the private sector. Special prudence should therefore always be considered when providing gifts or other benefits to a foreign official. The monetary threshold is also relatively low and benefits exceeding 1,000 Swedish kronor are normally, especially if the receiver is employed in public sector, considered improper. This also applies to gifts, travel expenses, meals and entertainment (ie, if the benefit is worth 1,000 Swedish kronor or more it is normally seen as improper and prohibited under the Penal Code).

Law stated - 08 December 2021

Facilitating payments

Do the laws and regulations permit facilitating or 'grease' payments to foreign officials?

Under Swedish law there is no exception for facilitating payments or 'grease' payments. Payments with the intention of speeding up an administrative process or likewise are usually considered improper and, therefore, illegal. Furthermore, payments to officials for acting in accordance with their duties could also constitute bribery.

Law stated - 08 December 2021

Payments through intermediaries or third parties

In what circumstances do the laws prohibit payments through intermediaries or third parties to foreign public officials?

If a person provides money or other benefits to an agent or likewise, and the person is aware of the fact that the final beneficiary is a foreign public official, and given that the remaining prerequisites are fulfilled, he or she has committed bribery.

Further, Chapter 10, section 5e of the Penal Code stipulates that a businessperson who provides money or property to someone who represents him or her in a particular matter, and thereby by gross negligence furthers bribery, aggravated bribe-giving or trade in influence as referred to in Chapter 10, section 5d of the Penal Code, in that transaction shall be

sentenced for reckless financing to a fine or imprisonment not exceeding two years. In other words, the criminalised act is, by gross negligence, aiding or abetting bribery. Thus, anyone who provides money to an agent, or similar representative or intermediate that represents him or her, without investigating who the final receiver of the payment is, may incur criminal liability under the cited provision.

Law stated - 08 December 2021

Individual and corporate liability

Can both individuals and companies be held liable for bribery of a foreign official?

The Penal Code only criminalises acts by natural persons (individuals), which is in line with the principles of the Swedish Criminal Law that only natural persons could be held criminally responsible. As a result, companies cannot be prosecuted.

If a person has committed the crime of giving or receiving bribes, and the act was committed as part of a company's business activity, the company could face criminal trial under Chapter 36, section 7 and 8 of the Penal Code and be imposed corporate fines between 5,000 Swedish kronor and 10 million Swedish kronor. If the company is a 'large company' and the sanction value is at least 500,000 Swedish kronor, the corporate fine shall under Chapter 36, section 9 of the Penal Code be set higher than follows from section 8 (increased corporate fine). For a company to be qualified as a 'large company' the company must either be listed or fulfil two of the following criteria: (1) an average of more than 50 employees during the last two financials years, (2) that the company's balance sheet total during the last two financials years exceeded 40 million Swedish kronor or (3) that the company's total net turnover during the last two financials years exceeded 80 million Swedish kronor. Further, an increased corporate fine shall be set at an amount that is justified with respect to the financial position of the company. However, an increased corporate fine may not be set higher than an amount corresponding to 50 times of the sanction value, ie the maximum fine is 500 million Swedish kronor.

This said, it should be noted that corporate fines under Swedish law are not a criminal sanction, even though closely related, but a special effect of a crime (committed by an individual) sanctioning companies for not effectively preventing corruption. Hence, companies could be given a corporate fine even if they are only negligent or prevent the stopping of a crime.

Law stated - 08 December 2021

Private commercial bribery

To what extent do your foreign anti-bribery laws also prohibit private commercial bribery?

Generally, there are no specific rules under Swedish law forbidding private commercial bribery, irrespective of whether it concerns domestic or foreign entities or circumstances. But a return commission or kickback could be deemed to be a bribe; and thus could result in that giver or receiver, or both, committing an offence under Chapter 10, section 5a-b of the Penal Code.

Law stated - 08 December 2021

Defences

What defences and exemptions are available to those accused of foreign bribery violations?

There are no specific provisions under Swedish law regulating the right to defence in a foreign bribery matter compared

to other crimes. Under Chapter 21, section 3 of the Swedish Code of Judicial Procedure, a defendant is always entitled to be assisted by a defence counsel of his or her choice. If the defendant is detained or suspected for a crime that is sanctioned with a minimum of six months of imprisonment a public defence counsel shall be appointed by the court if so demanded by the defendant.

Law stated - 08 December 2021

Agency enforcement

What government agencies enforce the foreign bribery laws and regulations?

The Swedish National Anti-Corruption Unit is a specialised authority within the Swedish Public Prosecution Service that deals with cases concerning domestic and international bribery. The unit is based in Stockholm and was set up in 2003 to fight corruption and enforce bribery laws and regulation more effectively.

Law stated - 08 December 2021

Patterns in enforcement

Describe any recent shifts in the patterns of enforcement of the foreign bribery rules.

In recent years we have seen an increased prosecution appetite related to foreign bribery cases. Furthermore, there is an increasing interest from the authorities in forfeiture of profits from bribery.

Law stated - 08 December 2021

Prosecution of foreign companies

In what circumstances can foreign companies be prosecuted for foreign bribery?

Neither domestic nor foreign companies can be prosecuted under Swedish law. Nevertheless, foreign companies conducting business in Sweden, irrespective of whether or not they have a permanent establishment in Sweden, could have corporate fines imposed upon them.

Law stated - 08 December 2021

Sanctions

What are the sanctions for individuals and companies violating the foreign bribery rules?

Violation of Chapter 10, section 5a-c of the Penal Code is sanctioned with fines and imprisonment for natural persons. Companies are, as previously mentioned, not subject to criminal liability under Swedish law. However, they can be fined for crimes committed by employees or executives acting within the scope of their duties where the company has not done what could be reasonably required to prevent the crime, or the crime is committed by an individual in a leading position or with a particular supervisory or control responsibility in the company. Profits originating from bribery offences can also be subject to forfeiture. Further, firms and individuals can as a result of bribery conviction be debarred from participating in public procurements.

There are no possibilities for a Swedish court to issue a debarment on a company from certain areas in a criminal case. Such questions will be handled separately on a case-by-case basis in public procurement matters.

Law stated - 08 December 2021

Recent decisions and investigations

Identify and summarise recent landmark decisions or investigations involving foreign bribery.

Legal proceedings involving foreign corruption are unusual in Sweden. Nonetheless, over the past years three major trials involving foreign bribery related to multinational companies have been held in Stockholm District Court. The cases concern alleged bribes in Azerbaijan and Uzbekistan. In two cases the defendants were acquitted and in the third case a verdict is expected to be delivered in the end of 2021. Both verdicts have been appealed to the Svea Court of Appeal, and the defendants in the case concerning Uzbekistan were acquitted also in the court of appeal. The case regarding Azerbaijan has not yet been tried by Svea Court of Appeal.

Law stated - 08 December 2021

FINANCIAL RECORD-KEEPING AND REPORTING

Laws and regulations

What legal rules require accurate corporate books and records, effective internal company controls, periodic financial statements or external auditing?

The main laws in the area are the Companies Act, the Annual Accounts Act and the Bookkeeping Act. For foreign companies conducting business in Sweden, the Foreign Branch Offices Act applies. Generally, all companies conducting business in Sweden must comply with the requirements set forth in these acts meaning, among others, that all business transactions must be recorded on a current basis and that there must be supporting vouchers for all accounting entries.

Further, the Bookkeeping Act requires that all accounting information must be archived in an orderly state, and in a satisfactory and transparent manner for seven years, and that companies prepare financial statements or annual reports for each financial year.

The responsibility to ensure that the company complies with the requirements for keeping books and records formally lies with the board of directors, as the board of directors under the Companies Act is responsible for the company's organisation and the management of the company's business. Often, especially in larger companies, the board delegates bookkeeping and other compliance tasks to the CFO or an auditing firm. When such delegation is made, the board has a duty to act responsibly and to monitor that delegation can be maintained. Non-compliance regarding bookkeeping is a criminal act under Swedish law.

Law stated - 08 December 2021

Disclosure of violations or irregularities

To what extent must companies disclose violations of anti-bribery laws or associated accounting irregularities?

There is no legislation under Swedish law that requires companies to disclose bribery or other corruption related behaviour. However, there is an obligation for auditors to report bribery to the authorities if the auditor finds reason to believe that bribery has been committed in the audited company, and the company does not report by itself.

Law stated - 08 December 2021

Prosecution under financial record-keeping legislation

Are such laws used to prosecute domestic or foreign bribery?

Record-keeping legislation is generally not used as a tool to prosecute bribery. But if a bribery offence has occurred in an investigation concerning accounting offences, it may result in an indictment for bribery.

Law stated - 08 December 2021

Sanctions for accounting violations

What are the sanctions for violations of the accounting rules associated with the payment of bribes?

Under Swedish law there are no direct sanctions for violating accounting principles related to the payments of bribes; although Chapter 11, section 5 of the Penal Code criminalises infringement, intentionally or by negligence, to comply with the requirements set forth in the Bookkeeping Act. A bribe that has been wrongfully booked as a cost can, therefore, constitute an accounting offence under Chapter 11, section 5 of the Penal Code. The offence is sanctioned with fines or a maximum two years' of imprisonment.

Law stated - 08 December 2021

Tax-deductibility of domestic or foreign bribes

Do your country's tax laws prohibit the deductibility of domestic or foreign bribes?

Since 1 July 1999, Swedish companies cannot deduct costs for bribes or facilitating payments in their tax declaration. The prohibition applies to all forms of corrupt payments irrespective of the position or geographical location of the receiver, or if the payment is not considered illegal in the jurisdiction of the receiver.

Law stated - 08 December 2021

DOMESTIC BRIBERY

Legal framework

Describe the individual elements of the law prohibiting bribery of a domestic public official.

Swedish law does not differentiate between domestic and foreign bribery. Thus, both domestic and foreign bribery are criminalised through Chapter 10, section 5a of the Penal Code.

Law stated - 08 December 2021

Scope of prohibitions

Does the law prohibit both the paying and receiving of a bribe?

Swedish law prohibits both the paying and receiving of a bribe.

Law stated - 08 December 2021

Definition of a domestic public official

How does your law define a domestic public official, and does that definition include employees of state-owned or state-controlled companies?

Chapter 10, section 5a-b of the Penal Code applies to bribery of both domestic and foreign public officials (ie, there is no specific definition of 'foreign public official' or 'domestic public official'). The criminal act includes all officials, both public and private, exercising an official duty irrespective of their nationality or where the offence is carried out. Accordingly, employees of state-owned or state-controlled companies can be held responsible for receiving bribes if they are deemed to be exercising an official duty.

Law stated - 08 December 2021

Gifts, travel and entertainment

Describe any restrictions on providing domestic officials with gifts, travel expenses, meals or entertainment. Do the restrictions apply to both the providing and the receiving of such benefits?

It should be stressed that if the official is exercising public authority, the scope for providing gifts, travel expenses, meals and likewise is extremely narrow or merely non-existent.

Law stated - 08 December 2021

Facilitating payments

Have the domestic bribery laws been enforced with respect to facilitating or 'grease' payments?

The bribery laws have been enforced in numerous cases with respect to facilitating or 'grease' payments concerning domestic conditions.

Law stated - 08 December 2021

Public official participation in commercial activities

What are the restrictions on a domestic public official participating in commercial activities while in office?

There are no provisions under Swedish law that generally prohibits domestic public officials from engaging in commercial activities while in office. It should be emphasised that the scope for public officials to participate in commercial activities generally is very limited if the activity is in, or connected to the area in which the official operates. But an assessment must always be done on a case-by-case basis.

Law stated - 08 December 2021

Payments through intermediaries or third parties

In what circumstances do the laws prohibit payments through intermediaries or third parties to domestic public officials?

If a person provides money or other benefits to an agent or likewise, and the person is aware of the fact that the final beneficiary is a domestic public official, and given that the remaining prerequisites are fulfilled, he or she has committed bribery.

Further, Chapter 10, section 5e of the Penal Code stipulates that a businessperson who provides money or property to someone who represents him or her in a particular matter, and thereby by gross negligence furthers bribery, aggravated bribe-giving or trade in influence as referred to in Chapter 10, section 5d of the Penal Code, in that transaction shall be sentenced for reckless financing of a bribe to a fine or imprisonment not exceeding two years. In other words, the criminalised act is, by gross negligence, aiding or abetting bribery. Thus, anyone who provides money to an agent, or similar representative or intermediate who represents him or her, without investigating the identity of the final receiver of the payment, may incur criminal liability under the cited provision.

Law stated - 08 December 2021

Individual and corporate liability

Can both individuals and companies be held liable for violating the domestic bribery rules?

The Penal Code only criminalises acts by natural persons. As a result, companies cannot be liable for a crime. If a person has committed the crime of giving or receiving bribes, and the act was committed as part of a company's business activity, the company could face criminal trial under Chapter 36, section 7 of the Penal Code and be landed with a corporate fine.

Law stated - 08 December 2021

Private commercial bribery

To what extent does your country's domestic anti-bribery law also prohibit private commercial bribery?

Generally, there are no specific rules under Swedish law forbidding private commercial bribery, irrespective of whether it concerns domestic or foreign entities or circumstances. But a return commission or kickback could be deemed to be a bribe; and thus could result in that giver or receiver, or both, committing an offence under Chapter 10, section 5a-b of the Penal Code.

Law stated - 08 December 2021

Defences

What defences and exemptions are available to those accused of domestic bribery violations?

There are no specific provisions under Swedish law regulating the right to defence in a domestic bribery matter compared to other crimes. Under Chapter 21, section 3 of the Swedish Code of Judicial Procedure, a defendant is always entitled to be assisted by a defence counsel of his or her choice. If the defendant is detained or suspected for a crime that is sanctioned with a minimum of six months of imprisonment a public defence counsel shall be appointed by the court if so demanded by the defendant.

Law stated - 08 December 2021

Agency enforcement

What government agencies enforce the domestic bribery laws and regulations?

The Swedish National Anti-Corruption Unit is a specialised authority within the Swedish Public Prosecution Service that deals with cases concerning domestic and international bribery. The unit is based in Stockholm and was set up in 2003 to fight corruption and enforce bribery laws and regulation more effectively.

Law stated - 08 December 2021

Patterns in enforcement

Describe any recent shifts in the patterns of enforcement of the domestic bribery rules.

We have not noticed any recent shift in the patterns of enforcement. Having said this, a lasting trend is that the authorities are targeting heads of public agencies and other senior public officials, rather than politicians or individuals active in the private sphere.

Law stated - 08 December 2021

Prosecution of foreign companies

In what circumstances can foreign companies be prosecuted for domestic bribery?

Neither domestic nor foreign companies can commit a criminal act under Swedish law. Nevertheless, foreign companies conducting business in Sweden, irrespective of whether or not they have a permanent establishment in Sweden, could have corporate fines imposed upon them.

Law stated - 08 December 2021

Sanctions

What are the sanctions for individuals and companies that violate the domestic bribery rules?

Violation of Chapter 10, section 5a-c of the Penal Code is sanctioned with fines and imprisonment for natural persons. Companies are not subject to criminal liability under Swedish law. However, they can be fined for crimes committed by employees or executives acting within the scope of their duties where the company has not done what could be reasonably required to prevent the crime, or if the crime is committed by an individual in a leading position or with a particular supervisory or control responsibility in the company. Profits originating from bribery offences can also be subject to forfeiture. Further, firms and individuals can be barred from participating in public procurements as a result of a bribery conviction.

There are no possibilities for a Swedish court to issue a debarment on a company from certain areas in a criminal case. Such questions will be handled separately on a case-by-case basis in public procurement matters and by the administrative courts.

Law stated - 08 December 2021

Recent decisions and investigations

Identify and summarise recent landmark decisions and investigations involving domestic bribery laws, including any investigations or decisions involving foreign companies.

The most recent landmark case concerning domestic bribery is a case that was tried in the Supreme Court in March 2020 regarding what is to be deemed as an improper benefit (NJA 2020 p. 241). The case involved representatives from various authorities who each year were invited to spring and Christmas parties arranged by two organisations active in the music industry. In conclusion, the Supreme Court assessed that a benefit valued as low as 1,000 Swedish kronor could be deemed as improper and constitute a bribe. However, the key prerequisite stressed by the Supreme Court is whether it could be assumed that the benefit could affect the behaviour of the receiver when exercising authority. The Supreme Court concluded that benefits of this nature typically did not have such behavioural effect, and the charge was consequently dismissed.

Moreover, there is still increasing interest from the authorities in forfeiture of profits from bribery. Due to globalisation, corruption investigations also have a tendency to include multiple jurisdictions and parallel investigations in different countries more often.

Law stated - 08 December 2021

UPDATE AND TRENDS

Key developments of the past year

Please highlight any recent significant events or trends related to your national anti-corruption laws.

The most significant recent event is the revised provisions concerning corporate fines that came into effect on 1 January 2020. The new rules contain several alterations, the most noteworthy being that the maximum fine has increased from 10 million Swedish kronor to 500 million Swedish kronor, and that Swedish courts are given extended jurisdiction to try international bribery crimes. Thus, bribery, bribe-giving and trade with influence conducted outside Sweden as part of a Swedish company's business activity will be criminalised. Further, the new provision makes it possible to impose corporate fines not only on corporations or other entities that conduct business, but also on public sector entities whose operations are comparable to business activities.

Moreover, there has for several years been an ongoing debate in Sweden on whether a quarantine period shall apply to politicians and other domestic officials after leaving office. The background to the debate is that there have been a number of high-profile cases where senior domestic officials have been hired by companies or institutions immediately after leaving office, thus, arousing suspicion that the job was given as compensation. The debate has yet not led to any new legislation.

Law stated - 08 December 2021

LAW STATED DATE

Correct on

Give the date on which the information above is accurate.

8 December 2021.

Law stated - 08 December 2021

Jurisdictions

	Australia	Holding Redlich
	China	Herbert Smith Freehills LLP
	France	Bougartchev Moyne Associés AARPI
	Greece	ANAGNOSTOPOULOS
	Hong Kong	Herbert Smith Freehills LLP
	Israel	Herzog Fox & Neeman
	Italy	Studio Legale Pisano
	Japan	Anderson Mori and Tomotsune
	Netherlands	Sjöcrona Van Stigt
	Russia	Noerr PartGmbH
	Singapore	Norton Rose Fulbright
	Sweden	NORDIA LAW
	Switzerland	Schellenberg Wittmer
	Ukraine	GOLAW
	United Kingdom	White & Case LLP
	USA	Miller & Chevalier Chartered