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Fact Sheet Anti-Bribery Regulations - Sweden (2012, November)

<p>1. What types of bribery & corruption offences exist under domestic law?</p>	<p>Please note that there are other offences and/or rules that may be applicable. However, the main bribery and corruption offences in the Swedish Penal Code are as follows:</p> <p>1) Taking a bribe <i>including, among other things, an employee or a person who performs an assignment (public or private sector), receiving, accepting a promise of or demanding an <u>improper reward</u> for the execution of the employment or the assignment.</i></p> <p>2) Giving a bribe <i>including, among other things, someone giving, promising, or offering to give, an improper reward, in cases referred to in the section above.</i></p> <p>3) Trading in influence <i>(unless its considered to be taking- and/or giving a bribe) including, among others things receiving, accepting a promise of or demanding, an improper reward in order to influence someone's (else) decision or action, related to exercise of public authority or public procurement, <u>or</u> giving, promising, or offering to give, an improper reward to someone, in order for that person to influence someone's (else) such decision or action.</i></p> <p>4) Negligent financing of bribery <i>including, among others things, a company or other form of "a person carrying on business activities" (sw: näringsidkare) (representatives can be held responsible) - providing money or other assets to a person representing the company in a certain matter and thereby, through gross negligence, promotes the giving of a bribe or trading in influence.</i></p>
<p>2. Do such offences concern only payments or gifts to officials or also to other persons (please describe)?</p>	<p>See above for examples</p>
<p>3. Who (including what entities) can be held liable</p>	<p>See above for examples. Please note that there can also be a possibility for other actions, such as a corporate fine (sw: företagsbot).</p>



for such offences?	
4. Is prosecution possible for any offences committed outside the jurisdiction?	Yes, it is possible (under some circumstances and with some restrictions)
5. Are there any special rules concerning gifts and corporate hospitality?	No
6. What procedures or policies should be implemented by individuals and/or corporations? How can such persons mitigate their potential exposure?	Compliance and ethics policies (<i>with sufficient measures of control and caution</i>) etcetera.
6. What kind of penalties are provided for bribery and/or similar offences?	Taking or giving a bribe, can – if the offence is considered gross – give up to six years in prison.
7. Are there any other relevant requirements/provisions?	An important example is the code of conduct regarding gifts, rewards and other benefits within the business community (<i>sw: kod om gåvor, belöningar och andra förmåner i näringslivet</i>), issued by the institute against bribes (<i>sw: Institutet mot mutor</i>).

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