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Groupe d'États contre la corruption

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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

SECOND COMPLIANCE REPORT

SWEDEN

Adopted by GRECO at its 77th Plenary Meeting
(Strasbourg, 16-18 October 2017)

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I. INTRODUCTION

1. The Second Compliance Report assesses the measures taken by the authorities of Sweden to implement the recommendations issued in the Fourth Round Evaluation Report on Sweden (see paragraph 2), dealing with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The Fourth Round Evaluation Report on Sweden was adopted at GRECO's 61st Plenary Meeting (18 October 2013) and made public on 12 November 2013, following Sweden's authorisation ([Greco Eval IV Rep \(2013\) 1E](#)). The Fourth Round Compliance Report was adopted by GRECO at its 69th Plenary Meeting (16 October 2015) and made public on 29 January 2016, following authorisation by Sweden ([Greco RC-IV \(2015\) 9E](#)).
3. As required by GRECO's Rules of Procedure, the authorities of Sweden submitted a Situation Report with additional information regarding measures taken to implement the five pending recommendations which, according to the Compliance Report, had been partly implemented. This report was received on 27 April 2017 and served as a basis for the Second Compliance Report.
4. GRECO selected Austria and Montenegro to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed for the current report were Ms Verena WESSELY, on behalf of Austria, and Mr Dusan DRAKIC, on behalf of Montenegro. They were assisted by GRECO's Secretariat in drawing up this Compliance Report.

II. ANALYSIS

5. It is recalled that GRECO addressed eight recommendations to Sweden in its Evaluation Report. In the Compliance Report, GRECO concluded that Sweden had implemented satisfactorily or dealt with in a satisfactory manner three of the eight recommendations (vi, vii and viii). Compliance with the pending recommendations (i-v) is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i.

6. *GRECO recommended (i) that a Code of Conduct for members of parliament be adopted and made easily accessible to the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training or counselling.*
7. GRECO recalls that this recommendation was partly implemented in the Compliance Report; in order to comply with this recommendation, the Riksdag had prepared a draft Code of Conduct, accompanied by a Guide containing comments on the various aspects of the Code. It remained however to be formally adopted. Moreover, the practical aspects relating to the implementation of this instrument had not been carried out at the time.
8. The authorities now state that, in December 2016, the Code of Conduct was adopted by the Speaker and the three Deputy Speakers (the Riksdag's Presiding Officers) as well as the party group leaders of all eight parties currently represented in Parliament. It entered into force on 1 January 2017. A copy of the Code has been provided to each MP and it is available on both the internal and external websites of the Riksdag. The authorities indicate that, in 2017, the Riksdag administration provided information and organised seminars on the code and its implementation for all party groups in the Riksdag. They report that these activities have shown

broad support in the Riksdag and increased awareness and knowledge of the issues covered by the code.

9. GRECO welcomes the fact that the Code of Conduct has now been adopted and has entered into force. It covers the notions of conflict of interest, financial interests, bribes and gifts. The Guide, which is appended to the code, explains further the different notions, refers to the legal definitions contained in relevant legislation and illustrates them with concrete examples so that MPs know how to apply the code in practice. GRECO notes that awareness-raising activities on the Code of Ethics have been organised for MPs, which responds to the second part of the recommendation. The authorities are invited to pursue these awareness raising efforts. In view of the above, GRECO considers that the requirements of the recommendation have now been fully met.

10. GRECO concludes that recommendation i has been implemented satisfactorily.

Recommendation ii.

11. *GRECO recommended (i) that written (public) clarification of the meaning of the disqualification rules of the Riksdag Act and guidance on the interpretation of those rules be provided to members of parliament; and (ii) that a requirement of ad hoc disclosure be introduced when, in the course of parliamentary proceedings, a conflict between the private interests of individual members of parliament may emerge in relation to the matter under consideration.*

12. GRECO recalls that this recommendation was partly implemented; it was satisfied that the draft Code of Conduct provided by the authorities provided adequate guidance on the disqualification rules of the Riksdag, save for the fact that the draft Code remained to be adopted, but considered that the second part of the recommendation had not been complied with considering that there was no requirement to make ad hoc disclosures.

13. The authorities have now provided the Code of Conduct as adopted, which, as was the case with the draft code, contains a Guide explaining in detail the disqualification rules of the Riksdag Act and providing guidance on their implementation. As had been indicated by the authorities and reflected in the First Compliance Report, a requirement of *ad hoc* disclosures in respect of conflicts of interests has not been introduced.

14. GRECO welcomes the clarification of the meaning of the Riksdag Act which has been given in the now adopted Code of Conduct and therefore considers that the first part of the recommendation has been complied with.

15. Insofar as the second part of the recommendation is concerned, GRECO regrets that the adopted Code of Conduct still does not require MPs to make *ad hoc* disclosures. Consequently, the situation in this respect remains the same as at the time of adoption of the Evaluation Report, namely that such disclosures are possible but dependent on MPs' self-discipline. Therefore, GRECO can but conclude that the second part of the recommendation has not been addressed.

16. GRECO concludes that recommendation ii remains partly implemented.

Recommendation iii.

17. *GRECO recommended that rules on gifts and other advantages – including advantages in kind – be developed for members of parliament and made easily accessible to the public; they should, in particular, determine what kinds of gifts*

and other advantages may be acceptable and define what conduct is expected of members of parliament who are given or offered such advantages.

18. GRECO recalls that this recommendation was partly implemented in the Compliance Report as the draft Code of Conduct and appended Guide met the requirements of the recommendation but was at the time not adopted.
19. The authorities have provided the Code of Conduct, which contains a part dedicated to gifts and the requirement on MPs to report gifts received in their official capacity to the Internal Services Department. In addition, the authorities indicate that the legal basis to this requirement was provided by a new Act (2016:1117) on registration and processing of gifts received by MPs, which specifies that MPs must register gifts received in connection to their role as members of the Riksdag.
20. GRECO welcomes that new legislation concerning registration and processing of gifts has been adopted by Parliament. It furthermore notes that, as was the case in the draft examined in the Compliance Report, the Code of Conduct and its Guide provide additional guidance to MPs on gifts and how to distinguish private from official gifts. As already expressed, GRECO considers that, although no precise value limits, thresholds or the like have been established in respect of gifts and other advantages, the Code of Conduct and its Guide provide relevant explanations to assist MPs in situations where they are presented with gifts. The step which was previously missing to allow GRECO to consider the recommendation implemented has now been taken as the Code of Conduct has been adopted and has entered into force.
21. GRECO concludes that recommendation iii has been implemented satisfactorily.
Recommendation iv.
22. *GRECO recommended that the existing regime of asset declarations be further developed, in particular (i) by including quantitative data of the financial and economic involvements of members of parliament as well as data on significant liabilities; and (ii) by considering widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).*
23. GRECO recalls that, when adopting the Compliance Report, it had found the recommendation partly implemented in respect of its first part on the ground that legislation to make the declaration of MPs' liabilities over a certain value obligatory had not been adopted. As regards the second part of the recommendation, while GRECO regretted the Swedish position not to include financial interests of spouses and dependent family members in the asset declarations for reasons of individual privacy, which is at odds with the practice in a large number of member States, it concluded that this part of the recommendation had nevertheless been implemented as the issue had been duly considered in line with the recommendation.
24. The authorities now indicate that new legislation has been introduced through an amendment to Act (1996:810) on registration of MPs' commitments and financial interests, which provides that the obligation to report financial interests to the register extends to, *inter alia*, debts exceeding two price base amounts (SEK 89 600, approximately EUR 9 380).
25. GRECO examines the aspect of the recommendation that remained to be implemented: the inclusion of data on significant liabilities as part of the asset declaration system. It had welcomed in the Compliance Report the proposal to

change the legislation in order to also make the declaration of liabilities over a certain value obligatory, as is the case for assets. The information provided by the authorities shows that an amendment to the Act on registration of MPs' commitments and financial interests has included an obligation to report debts above a threshold of SEK 89 600 (approximately EUR 9 380). With this legislative change, GRECO considers that the remaining part of the recommendation has now been complied with.

26. GRECO concludes that recommendation iv has been implemented satisfactorily.

Recommendation v.

27. *GRECO recommended that appropriate measures be taken to ensure supervision and enforcement of the existing and yet-to-be established rules on conflicts of interest, gifts and asset declarations by members of parliament.*

28. GRECO recalls that this recommendation was considered partly implemented in the Compliance Report. While it had welcomed the fact that the draft code of conduct included a supervision mechanism as well as sanctions, it could not consider the recommendation fully complied with until the Code of Conduct had been formally adopted.

29. The authorities now report that, under the Code of Conduct as adopted, the Speaker and Deputy Speakers (the Riksdag's Presiding Officers) and the party group leaders have the ultimate responsibility for the Code of Conduct. The party group leaders of the Riksdag are responsible for ensuring that the Code of Conduct serves as guideline for the members of their respective party groups.

30. GRECO notes that the Code of Conduct, as adopted, is modified in respect of its provisions concerning supervision and enforcement as compared to the draft previously communicated. The Guide to the Code of Conduct states that the party group leaders have the more direct responsibility for ensuring that the Code is followed by their respective members. Moreover, the possibility for the Speaker and his/her deputies to initiate investigations and for them to use sanctions, originally included in the draft, was not retained.

31. GRECO acknowledges that a light form of supervision within the Riksdag has been established. That said, it regrets that the supervision mechanism now in place (Speaker/Deputy Speakers and political party group leaders) is weaker than in the draft presented to GRECO when adopting the first Compliance Report. GRECO wishes to stress that the intention of the recommendation is not only to ensure some form of supervision of the rules on conflict of interest, gifts and asset declarations, but also to ensure their enforcement. GRECO considers that the predominant partisan involvement in the system, together with the absence of clearly stated sanctions for violations of the Code, makes it, taken as a whole, a weak mechanism. It would have been preferable to entrust such parliamentary supervision, for instance, to a standing committee, or the Riksdag presidium/administration by itself, which not only would have been impartial but also perceived as such. Moreover, as also underlined in the Evaluation Report, to be credible, the supervision system should have provided for appropriate sanctions, which are absent from the current mechanism. In view of the above, GRECO cannot consider the current supervisory mechanism more than partly in line with the recommendation.

32. GRECO concludes that recommendation v has been partly implemented.

III. CONCLUSIONS

33. In view of the foregoing, GRECO concludes that Sweden has implemented satisfactorily or dealt with in a satisfactory manner six of the eight recommendations contained in the Fourth Round Evaluation Report. The remaining two recommendations have been partly implemented.
34. More specifically, recommendations i, iii, iv, vi, vii and viii have been implemented satisfactorily and recommendations ii and v have been partly implemented.
35. Insofar as members of parliament are concerned, important steps have been taken with the adoption of new legislation as a means to pave the way for a Code of Conduct for members of the Riksdag. It is to be welcomed that Sweden has now joined the majority of member states that have such a code in place and, in addition, the Code is accompanied by a guide for its implementation. These two instruments provide detailed guidance by addressing many of the issues raised by GRECO under this theme, such as the prevention of conflicts of interest, situations of gifts and other advantages, asset declarations, etc. That said, some parts of the recommendations have been considered but not followed, e.g. to require "*ad hoc*" disclosures by MPs when a conflict of interest arises in Parliament and to extend the obligation to declare assets in respect of spouses and dependent family members. This is regrettable as such requirements would have further strengthened the preventive measures in place in order to curb situations of conflicting interests. Moreover, although there is a soft form of supervision of the implementation of the Code through the Speaker, deputy speakers and, more specifically, party group leaders, it is regrettable that supervision of the Code of Ethics has not been entrusted to a stronger mechanism, capable of imposing sanctions, to ensure its enforcement.
36. In respect of lay judges, a range of dedicated measures, including in legislation and training, have been carried out in order to strengthen their independence, impartiality and integrity. Furthermore, pertinent training has been established for professional judges in respect of ethical conduct and conflicts of interest and related matters under the auspices of the Courts Judicial Training Academy, in order to further the impact of the document "Good judicial practice".
37. Insofar as the Prosecution Service is concerned, ethical standards have been adopted for public prosecutors, following an inclusive drafting process, in which prosecution offices from all over Sweden have been involved and measures have been taken for the implementation of these standards, in the form of staff training.
38. The adoption of the Second Compliance Report terminates the Fourth Round compliance procedure in respect of Sweden.
39. Finally, GRECO invites the authorities of Sweden to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make this translation public.