Mutual Evaluation
Fourth Follow-Up Report - annexes

Anti-Money Laundering and Combating the Financing of Terrorism

SWEDEN

22 October 2010
# List of Laws, Regulations, and Other Material Provided by the Swedish Authorities

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Swedish Code of Statutes

Act on Measures against Money Laundering and Terrorist Financing:

issued on 12 February 2009.

The following is enacted\(^1\) by a decision\(^2\) of the Riksdag (Swedish Parliament).

Chapter 1 Scope and definitions

Scope of the Act

Section 1 This Act aims to prevent financial activities and other business operations being used for money laundering or terrorist financing.

Section 2 This Act applies to natural and legal persons that run

1. banking or financial businesses under the Banking and Financing Business Act (2004:297),
2. life assurance businesses,
3. activities of the kind described in Chapter 2, Section 1 of the Securities Market Act (2007:528),
4. activities that require a notification or application to Finansinspektionen (the Swedish Financial Supervisory Authority) under the Obligation to Notify Certain Financial Operations Act (1996:1006) or the Deposit Taking Operations Act (2004:299),
5. insurance mediation under the Insurance Mediation Act (2005:405) regarding such activities relating to life assurance conducted by persons other than associate insurance intermediaries,
6. activities relating to the issue of electronic money under the Electronic Money Issuance Act (2002:149),
7. fund activities under the Investment Funds Act (2004:46),
8. activities conducted by real estate agents with full registration under the Estate Agents Act (1995:400),
9. activities for casino gaming under the Casinos Act (1999:355),
10. activities conducted by approved or authorised public accountants or a registered public accounting firm,
11. professional activities relating to bookkeeping services or auditing services, but which are not covered by item 10,

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12. professional activities comprising the provision of advice with a view to influencing the amount of a tax or charge (tax advisor),
13. professional activities conducted by advocates or associates at advocate law offices to the extent that the activities refer to services mentioned in the first paragraph of Section 3,
14. professional activities conducted by independent legal professionals other than those referred to in item 13, to the extent that these activities refer to services mentioned in the first paragraph of Section 3,
15. professional activities to the extent that the activities refer to services mentioned in the second paragraph of Section 3 and the parties engaged in activities are not such persons as mentioned in items 10 to 14,
16. professional trade in goods, to the extent that the activities relate to sales for cash payment that amount to at least an amount corresponding to EUR 15 000,
17. activities in providing payment services as a payment institution according to the Act on Payment Services (2010:751), or
18. activities in providing payment services according to the Act on Payment Services without being a payment institution.

Section 3  Services referred to in Section 2, items 13 and 14 include
1. acting on behalf of and for a client in any financial transactions or real estate transactions,
2. assisting in the planning or execution of transactions for their client concerning,
   a) buying and selling of real property or business entities,
   b) managing of client money, securities or other assets,
   c) opening or management of bank, savings or securities accounts,
   d) acquisition of contributions necessary for the creation, operation or management of companies, or
   e) creation, operation or management of companies, associations, foundations or trusts.
Services referred to in Section 2, item 15 include
1. forming of legal persons, sale of newly formed limited companies and acting as intermediary for Swedish or foreign legal persons,
2. performing the functions of a director or officer having legal responsibilities for a company, a partner of a partnership, or similar position in relation to other legal persons,
3. providing a registered office or postal address and other related services for a legal person or a trust or a similar legal arrangement,
4. management of a trust or a similar legal arrangement,
5. acting as a nominee shareholder for the beneficial owner.

Section 4  As regards activities referred to in Section 2, items 1 to 7 and 17, the Act also applies to branches in Sweden of foreign legal persons with head offices abroad.

Definitions
Section 5  In this Act,
1. business relationship means: a business relationship which is expected, at the time when the contact is established, to have an element of duration,
2. shell bank means: a foreign institution incorporated in a jurisdiction in which it has no real establishment and management and where the institution does not form part of a financial group subject to supervision,
3. EEA means: European Economic Area,
4. **terrorist financing** means: the collection, provision or receipt of assets for the purpose of them being used or in the knowledge that they are intended to be used to commit such crimes as referred to in Section 2 of the Penalties for Financing Particularly Serious Criminality in certain cases Act (2002:444),

5. **customer** means: a party who has entered into a contractual relationship with such operators of these activities referred to in this Act,

6. **money laundering** means: such measures
   a) with property acquired through crime that may entail that the property's link to crime is concealed, that the criminal is able to avoid legal sanctions or that the recovery of the property is impeded, and also such measures that comprise control of and acquisition, possession or use of the property,
   b) with other property than that referred to in 'a', provided the measures are likely to conceal that someone has profited from criminal acts,

7. **politically exposed person** means: persons who are or have been entrusted with prominent public functions and immediate family members, or persons known to be close associates, of such persons,

8. **beneficial owner** means: a natural person that some other person acts for or, if the customer is a legal person, the party that exercises a decisive influence over the customer, and

9. **party engaged in activities** means: a natural or legal person that performs activities covered by this Act.

**Chapter 2 Customer due diligence**

**Requirement for risk-based customer due diligence**

**Section 1** A party engaged in activities shall take customer due diligence measures. The scope of these measures shall be adapted according to the risk of money laundering or terrorist financing.

Sections 4 and 5 of the Casinos Act (1999:355) contain special provisions on checking the identity of visitors to casinos.

**Situations requiring customer due diligence**

**Section 2** A party engaged in activities shall take basic customer due diligence measures in accordance with Section 3

1. when establishing a business relationship,
2. for individual transactions amounting to a sum corresponding to EUR 15 000 or more,
3. for transactions that are less than an amount corresponding to EUR 15 000, but which may be assumed to be linked to one or more other transactions and which together amount to at least this amount, and
4. when there are doubts about the veracity or adequacy of previously obtained customer identification data.

When there is a suspicion of money laundering or terrorist financing, measures shall be taken as referred to in the first paragraph, regardless of any derogation, exemption or threshold.
Basic measures for customer due diligence

Section 3 ‘Basic measures for customer due diligence’ means

1. checking a customer's identity by means of identity documents, register extracts or in some other reliable way,
2. checking the identity of the beneficial owner, and
3. obtaining information about the purpose and nature of the business relationship.

When applying item 2 of the first paragraph, parties engaged in activities shall investigate the ownership and control structure of the customer.

A party engaged in activities may rely on customer due diligence measures in accordance with the first paragraph performed by a third party as referred to in Section 4, if the parties engaged in activities, on request and without delay, are able to gain access to the information about the customer that the third party has obtained.

Section 4 In the third paragraph of Section 3, ‘third party’ refers to

1. natural or legal persons conducting activities referred to in Chapter 2, Section 2, items 1 to 3, 5 to 7, and 17, approved or authorised public accountants and advocates with a place of residence within the EEA, that have a licence or are registered in a special professional register, or
2. natural or legal persons conducting activities referred to in Chapter 2, Section 2, items 1 to 3, 5 to 7, and 17, approved or authorised public accountants and advocates with a place of residence outside the EEA, that have a licence or are registered in a special professional register provided they apply provisions concerning customer due diligence and record keeping corresponding to the requirements contained in Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing and provided that there is supervision of compliance with these provisions.

Exemptions from the provisions on basic measures for customer due diligence

Section 5 The provisions on basic customer due diligence and on the ongoing follow-up of business relationships contained in Sections 3, 4 and 10 do not apply to

1. Swedish authorities,
2. parties engaged in activities as referred to in Chapter 1, Section 2, items 1 to 7, 17 and 18 and that have a place of residence
   a) within the EEA,
   b) in a state outside the EEA if the state has provisions on measures against money laundering corresponding to those prescribed by Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing and provided that there is supervision of compliance with these provisions,

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5 OJ L 145, 40 April 2004, p. 1 (Celex 32004L0039)
4. undertakings outside the EEA whose transferable securities have been admitted to trading and are subject to disclosure requirements corresponding to undertakings under item 3,

5. life insurance policies if the annual premium amounts to a sum corresponding to no more than EUR 1 000 or the single premium amounts to a sum corresponding to no more than EUR 2 500,

6. insurance policies for pensions under Chapter 58, Sections 4 to 16 of the Income Tax Act (1999:1229) that may not be surrendered,

7. pension agreements and pension entitles for employees or in the insured's activities, provided contributions are made by way of deduction from wages and the assignment of rights is not permitted,

8. electronic money under the Electronic Money Issuance Act (2002:149),
   a) if the monetary value that can be stored on electronic media that cannot be loaded amounts to no more than EUR 150, or
   b) as regards electronic media that can be loaded, the monetary value that is turned over during a calendar year cannot exceed EUR 2 500 and no more than EUR 1 000 can be withdrawn in cash during the same period, or

9. as regards the beneficial owner behind joint accounts administered by advocates or other independent legal professionals who have a place of residence
   a) within the EEA, provided information about the beneficial owner's identity can be made available at the request of the party engaged in activities, or
   b) in a state outside the EEA, provided information about the beneficial owner's identity can be made available at the request of the party engaged in activities and the advocate or independent legal professional is subject to obligations corresponding to those prescribed by Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing and provided that there is supervision of compliance with these provisions.

**Enhanced measures for customer due diligence**

Section 6 Notwithstanding the provisions contained in Section 5, a party engaged in activities shall always take enhanced customer due diligence measures if there is a high risk of money laundering and terrorist financing. Such measures shall be more comprehensive than the measures contained in Section 3.

When making an assessment as referred to in the first paragraph, special attention shall be paid to the risks of money laundering or terrorist financing that may arise from products or transactions that might favour anonymity.

If the circumstances in the individual case do not indicate the opposite, a high risk of money laundering or terrorist financing is deemed to prevail

1. when a business relationship is established or an individual transaction is carried out with someone at a distance,

2. when a business relationship is established or an individual transaction is carried out with a politically exposed person who is resident abroad, and

3. for relationships between a Swedish credit institution and a credit institution with a place of residence outside the EEA.

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Section 7 'Enhanced measures' under Section 6, third paragraph, item 2 shall always mean
1. appropriate measures to establish where assets that are being dealt with within the framework of a business relationship or an individual transaction have come from,
2. enhanced follow up of the business relationship, and
3. obtaining approval from authorised decision-makers.

Section 8 'Enhanced measures' under Section 6, third paragraph, item 3 shall always mean
1. obtaining sufficient information about the other party in order to be able to understand the activities as well as assess the other party's reputation and the quality of supervision,
2. assessing the other party's controls to prevent money laundering and terrorist financing,
3. documenting the respective institution's responsibility for taking control measures and the measures that they take,
4. obtaining approval from authorised decision-makers, and
5. ensuring that the other party has checked the identity of customers that have direct access to accounts at credit institutions and monitor these customers on an ongoing basis and are able to provide relevant customer identification data on request.

Time for customer due diligence

Section 9 The identity of the customer and the beneficial owner must be checked prior to establishing a business relationship or carrying out an individual transaction. However, the identity of a beneficiary to life insurance does not have to be checked until in conjunction with the first payment of insurance indemnity or when another right under the insurance agreement is exercised for the first time.

If it is necessary to not interrupt the normal course of the activity and there is a low risk of money laundering or terrorist financing, a check as a result of a new business relationship may be conducted later than according to the first paragraph but should nevertheless always be completed in close conjunction with the relationship having been established.

Ongoing follow up of business relationships

Section 10 A party engaged in activities shall continuously monitor ongoing business relationships by checking and documenting that the transactions carried out correspond with the knowledge that the party engaged in activities has concerning customers, their business and risk profiles and, if necessary, where the customer's financial resources come from. Documents, data and information concerning checks shall be kept up-to-date.

Consequences of customer due diligence not being satisfactorily completed

Section 11 A party engaged in activities may not establish a business relationship or perform an individual transaction if customer due diligence has not been satisfactorily completed. If a business relationship has already been established under Section 9, it shall be ended.

If the circumstances are such that money laundering or terrorist financing may be suspected, the party engaged in activities shall provide information under Chapter 3, Section 1.

The first and second paragraphs do not apply in those situations referred to in Chapter 3, Sections 2 and 3.
Branches and subsidiaries with a place of residence outside the EEA

Section 12 Parties engaged in activities as referred to in Chapter 1, Section 2, items 1 to 7, 17 and 18 shall apply the provisions on customer due diligence and record keeping under Chapter 2, even for its branches and majority-owned subsidiaries with a place of residence outside the EEA, unless the laws of the country of residence do not prevent this.

Parties engaged in activities shall take measures to effectively handle the risk of money laundering and terrorist financing if the provisions referred to in the first paragraph cannot be applied and shall notify Finansinspektionen of this in writing.

Record keeping

Section 13 A party engaged in activities shall, for a period of at least five years, keep documents and information about the customer due diligence measures taken. This period shall be counted from when the measures were performed or, in those cases where a business relationship was established, the business relationship ceased.

Prohibition of anonymous accounts

Section 14 Parties engaged in activities as referred to in Chapter 1, Section 2, items 1 to 7, 17 and 18 may not keep anonymous accounts or issue anonymous passbooks.

Chapter 3 Reporting requirements

Obligation to provide information and conduct reviews

Section 1 A party engaged in activities shall examine transactions in order to be able to identify such transactions that they suspect or have reasonable grounds to suspect constitute a step in money laundering or terrorist financing.

If, following closer analysis, the suspicion remains, information about all circumstances that may indicate money laundering or terrorist financing shall be provided to the National Police Board without delay.

A party engaged in activities shall refrain from carrying out transactions which it suspects or has reasonable grounds to suspect constitute a step in money laundering or terrorist financing. If it is not possible to refrain from carrying out a suspected transaction, or if further investigation might otherwise be made more difficult, transactions may be carried out and information provided immediately afterwards.

At the request of the National Police Board, the party engaged in activities or those running lottery and gaming activities on a professional basis shall, without delay, provide all of the details required for an investigation of money laundering or terrorist financing.

When information has been provided in accordance with the second paragraph, other natural or legal persons as referred to in Chapter 1, Sections 2 to 4 shall also provide the information for the investigation of money laundering or terrorist financing requested by the authority.

Section 14 a of the Casinos Act (1999:355) also contains provisions on the obligation to provide information.
Section 2 Advocates, associates at advocate law offices and other independent legal professionals, approved and authorised public accountants and also tax advisors are not liable to provide information under Section 1 about matters entrusted to those persons when they defend or represent a client in or as regards matters concerning judicial proceedings, including advice on instituting or avoiding judicial proceedings. This applies regardless of whether they received the information before, during or after such proceedings.

Section 4 Advocates and associates at advocate law offices, other independent legal professionals, approved and authorised public accountants and also tax advisors are not liable to provide information under Section 1 with regard to information relating to a client and which they have received in conjunction with assessing the client's legal position.

Prohibition of disclosure

Section 4 The natural person, the legal person, its directors or employees may not disclose to the customer or any third party that a review has been carried out or that information has been provided under Sections 1 or 7 or that an investigation is being conducted or may be conducted.

The first paragraph does not prevent such information being provided to a supervisory authority in a disciplinary matter or other matter that justifies the provision of such information.

Section 5 A natural or legal person that provides information pursuant to Section 1 may not be held liable for having neglected professional secrecy if the natural or legal person had cause to anticipate that the information ought to be provided. Nor may a party that provides information pursuant to Section 7 be held liable for having neglected professional secrecy. The same also applies to a director or employee who provides information on behalf of the natural or legal person.

The provision on directors contained in the first paragraph applies to members of the supervisory body as regards European companies and European cooperative associations that have such an administrative system as referred to in Articles 39 to 42 of Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European Company (SE)7 or Articles 37 to 41 of Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE).8 The same applies to the provision on directors contained in Section 4 regarding the prohibition of disclosure.

Section 16, second paragraph and Section 22 of the Act on European Companies (2004:575) and Section 21, second paragraph and Section 26 of the Act on European Cooperative Associations (2006:595) state that the provisions contained in the second paragraph shall also apply to members of a European company's or a European co-operative association's management or administrative body.

Chapter 29, Section 2 of the Companies Act (2005:551), Chapter 13, Section 2 of the Co-operative Societies Act (1987:667) and Chapter 5, Section 2 of the Foundation Act (1994:1220) and Section 37 of the Auditing Act (1999:1079) contain special provisions on liability for auditors of limited liability companies, economic associations, foundations and certain other undertakings.

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7 OJ L 294, 10 November 2001, p. 1 (Celex 32004R0885)
8 OJ L 207, 18 August 2003, p. 1 (Celex 32003R1435)
Supervisory authorities' notification obligation

Section 6 If a supervisory authority has upon inspecting a natural or legal person or in any other way discovered a circumstance that may be assumed to be related to or constitute money laundering or terrorist financing, the authority shall notify the National Police Board about this without delay.

System to respond to requests

Section 7 Parties engaged in activities referred to in Chapter 1, Section 2, items 1 to 7, 17 and 18 shall have a system to be able to provide information rapidly and completely regarding whether they have had a business relationship with a particular person during the past five years and, if this is the case, the nature of the relationship.

Chapter 4 Registers

Scope

Section 1 Parties engaged in activities may, as regards money laundering and terrorist financing, process personal data and keep registers in accordance with the provisions of Sections 2 to 9, which apply in addition to the Personal Data Act (1998:204).

Processing personal data

Section 2 Personal data shown in a customer's passport or identity documents and that refer to identity, nationality, place of residence, other place where they are staying and official function may be processed if it is necessary to

1. assess whether the customer is covered by Chapter 2, Section 6, third paragraph, item 2,
2. keep documents or data in accordance with Chapter 2, Section 13, or
3. satisfy the obligation to provide information and conduct reviews in accordance with Chapter 3, Section 1, first and second paragraphs.

Purpose of register

Section 3 A register may be kept by a natural or legal person as referred to in Chapter 1, Sections 2 to 4

1. to prevent participation in transactions that constitute money laundering or terrorist financing under this Act, and
2. to satisfy the obligation to provide information and conduct reviews contained in Chapter 3, Section 1, first and second paragraphs.

Content

Section 4 A register referred to in Section 3 may only contain

1. name, personal, coordination or corporate/organisation identity number and address,
2. account number or corresponding, and
3. the other information obtained upon a review in accordance with Chapter 3, Section 1, first paragraph or provided according to the second paragraph of the same section.
Information for the party registered

Section 5 Information from a register as referred to in Section 3 may not be disclosed to the party registered.

Elimination

Section 6 Data contained in a register as referred to in Section 3 shall be eliminated
1. if the National Police Board decides not to commence or to discontinue an investigation into money laundering or terrorist financing,
2. if a preliminary investigation has been concluded without prosecution being instituted as a result of the information provided,
3. if a court has issued a judgment or decision that has entered into final force as a result of the information provided, or
4. no later than three years after the information has been provided pursuant to Chapter 3, Section 1.

Joint runs

Section 7 The register of a party engaged in activities as referred to in Section 3 may not be jointly run with someone else's corresponding register.

Rectification and damages

Section 8 The provisions of Sections 28 and 48 of the Personal Data Act (1998:204) regarding rectification and damages apply to the processing of personal data under this Act.

Professional secrecy

Section 9 A person who is active at a party engaged in activities may not, without authorisation, disclose data contained in a register as referred to in Section 3.
   Liability under Chapter 20, Section 3 of the Swedish Penal Code shall not ensue for a person who breaches the prohibition contained in the first paragraph.

Chapter 5 Risk-based procedures, training and protection of employees, and prohibition of relationships with shell banks

Risk-based procedures and training

Section 1 A party engaged in activities shall have risk-based procedures to prevent the operation being used for money laundering or terrorist financing and shall be responsible for the employees continuously obtaining the necessary information and training. If a natural person covered by Chapter 1, Section 2 runs their operation as an employee of a legal person, the obligation to maintain procedures shall apply to the legal person.

Protection of employees

Section 2 A party engaged in activities shall have procedures and take other measures that may be required to protect employees from threats or hostile action as a consequence of them reviewing or reporting suspicions of money laundering or terrorist financing.
Relationships with shell banks

Section 3 Credit institutions may not establish nor maintain relationships with shell banks and shall also ensure that such relationships are not established or maintained with credit institutions that permit their accounts to be used by such banks.

Chapter 6 Supervision

Section 1 This chapter applies as regards the supervision of activities referred to in Chapter 1, Section 2, items 11, 12 and 14 to 16.

Provisions on the supervision of other activities as referred to in Chapter 1, Section 2 are contained in the acts governing these parties engaged in activities.

Section 2 This supervision aims to prevent financial activities and other business operations being used for money laundering or terrorist financing. The aim of the supervision is to check that the activities are being conducted in accordance with this Act and regulations issued pursuant to the Act.

Section 3 A party that intends to conduct activities referred to in Chapter 1, Section 2, items 11, 12 and 14 to 16 shall notify the Swedish Companies Registration Office of this.

Section 4 Activities referred to in Chapter 1, Section 2, items 11, 12 and 14 to 16 may not be conducted unless notice according to Section 3 has been given.

The supervisory authority may order a party conducting activities referred to in the first paragraph without having notified this to provide the information about the activity that is required to assess whether there is an obligation to give notice according to Section 3. If such information is not provided, the supervisory authority shall order the party conducting activities to cease the activity.

Section 5 A party engaged in activities that has given notice according to Section 3 but has to a substantial extent neglected obligations in business operations or has committed serious crimes may be ordered by the supervisory authority to implement rectification or, if this is not possible, to cease the activity.

If a party engaged in activities is a legal person, the first paragraph also applies to a party that has a qualified holding of interests in the legal person or forms part of its management.

‘Qualified holding’ means the same as in Chapter 1 Section 5 item 14 of the Banking and Financing Business Act (2004:297).

Section 6 When a person subject to supervision under this chapter becomes aware that changes have occurred within the group possessing a qualified holding in the undertaking or which forms part of its management, such person shall notify the supervisory authority of the change.
Section 7  In addition to the matters stipulated in Section 4, the supervisory authority may order the party conducting activities covered by this chapter to provide the information and grant access to the documents required for this supervision.

When it considers it to be necessary, the supervisory authority may conduct an investigation at a party engaged in activities that is listed in the register of the Swedish Companies Registration Office.

Section 8  If a natural or legal person recorded in the register of the Swedish Companies Registration Office gives notice that the activity has ceased or if it in some other way shows that this is the case, the Office shall remove the person from the register.

Section 9  An order under this Act may be made subject to a default fine.

Section 10  Appeals cannot be made against decisions under Section 4, second paragraph or Section 7, first paragraph.

Appeals can be made to a general administrative court against other decisions under this chapter. In such matters, the supervisory authority may determine that the decision shall apply immediately.

Leave to appeal is required to make an appeal to the administrative court of appeal.

Chapter 7 Provisions on liability
Section 1  The sentence of a fine shall be imposed on a person who intentionally or by gross negligence

1. neglects their obligations to provide information and conduct reviews under Chapter 3, Section 1, or
2. breaches the prohibition of disclosure contained in Chapter 3, Section 4.

Chapter 8 Authorisations
Section 1  The Government or the authority appointed by the Government may issue regulations concerning

1. risk assessments under Chapter 2, Section 1,
2. basic measures for customer due diligence under Chapter 2, Section 3,
3. exemptions from provisions on basic measures for customer due diligence under Chapter 2, Section 5,
4. the states outside the EEA that satisfy the conditions contained in Chapter 2, Section 5, items 2 b, 4 and 9 b and satisfy the conditions for applying the provisions on third parties under Chapter 2, Section 3, third paragraph,
5. enhanced measures for customer due diligence and what is meant by 'politically exposed persons' under Chapter 2, Section 6,
6. measures for the ongoing follow up of business relationships under Chapter 2, Section 10 and how these are to be documented,
7. how documents or information used in the customer due diligence process are to be kept under Chapter 2, Section 13,
8. reviews and the provision of information under Chapter 3, Section 1,
9. procedures to be followed together with the information and training that is to be provided to employees under Chapter 5, Section 1, and
10. necessary measures and procedures to ensure that employees are protected under Chapter 5, Section 2.
1. This Act enters into force on 15 March 2009, when the Act on Measures against Money Laundering (1993:768) and the Money Laundering Registers Act (1999:163) shall cease to apply.

2. Parties engaged in activities shall take customer due diligence measures as regards business relationships that were established prior to entry into force, when it may be considered appropriate on the basis of an assessment of the risk of money laundering and terrorist financing.

On behalf of the Government

FREDRIK REINFELDT

ANDERS BORG

(Ministry of Finance)
Finansinspektionen’s Regulations and General Guidelines governing measures against money laundering and terrorist financing;

decided on 20 April 2009.

Finansinspektionen prescribes\(^1\) the following pursuant to the Measures against Money Laundering and Terrorist Financing Ordinance (2009:92).

Below the paragraphed regulations, Finansinspektionen provides General Guidelines.

Chapter 1. Scope and definitions

Scope

Section 1 These regulations contain provisions governing the measures which an undertaking shall implement in order to prevent the operations from being used for money laundering or terrorist financing. These regulations specify, among other things, what is meant by a risk-based approach, risk-based procedures, etc., customer due diligence, the obligation to provide information and conduct reviews as well as training and protection of employees.

Section 2 These regulations shall be applied by:

1. natural and legal persons conducting such operations as set forth in Chapter 1, section 2, subsections 1–7 of the Act on Measures against Money Laundering and Terrorist Financing (2009:62), as well as
2. branches in Sweden of foreign legal persons with head offices abroad which conduct such operations as referred to in point 1.

Provisions applicable to the board of directors or managing director of legal persons shall be applied equivalently in respect of authorised representatives in types of association in which a board of directors or managing director does not exist.

Definitions

Section 3 The same definitions are used in these regulations as in Chapter 1, section 5 of the Act on Measures against Money Laundering and Terrorist Financing.

In addition, the following definitions are used:

1. *undertaking*: a party engaged in activities as set out in Chapter 1, section 2, subsections 1–7 of the Act on Measures against Money Laundering and Terrorist Financing;
2. *internal rules*: policy and governance documents, guidelines, instructions or other written documents through which the issuer (board of directors or managing director) governs the operation;
3. *internal control*: a process by which the undertaking’s board of directors, managing director, management or other personnel create reasonable certainty that the undertaking’s goals are fulfilled in the following areas:
   – that the undertaking has an appropriate and efficient organisation and management of the operations;
   – that information provided to the National Police Board is reliable, and
   – that the undertaking complies with applicable laws, ordinances and other regulations.

Chapter 2. Risk-based approach

Section 1 An undertaking shall take measures aimed to prevent it from being used for money laundering and terrorist financing. The measures shall be adapted to the risk that the operations will be used for money laundering and terrorist financing.

Section 2 In order to fulfil the requirement in section 1, an undertaking shall:

1. conduct a risk assessment pursuant to section 3;
2. maintain procedures, etc. in accordance with Chapter 3 and
3. monitor and update the risk assessment on an ongoing basis and, when needed, revise the procedures, etc.

The undertaking shall continuously take into account information relating to new trends and patterns which are used as well as methods which may be used for money laundering and terrorist financing. The undertaking shall also take part of other information from organisations, authorities and other bodies within the area.

Risk assessment

Section 3 An undertaking shall assess the risk of the operations being used for money laundering and terrorist financing. The risk assessment shall be made in an appropriate manner taking into consideration the undertaking’s size and complexity. It shall contain an analysis of the undertaking’s customers, products, services and other relevant factors for the operations such as distribution channels and geographical areas.
Chapter 3. Procedures, etc.

Section 1  An undertaking’s board of directors or managing director shall establish internal rules for measures against money laundering and terrorist financing where it is set forth who takes decisions regarding procedures, systems, training programmes and guidelines pursuant to section 2.

Section 2  An undertaking shall maintain the following procedures, etc.:

1. procedures for:
   – basic measures for customer due diligence pursuant to Chapter 2, section 3 of the Act on Measures against Money Laundering and Terrorist Financing;
   – exemptions from basic measures for customer due diligence pursuant to Chapter 2, section 5 of the Act on Measures against Money Laundering and Terrorist Financing, and
   – enhanced measures for customer due diligence pursuant to Chapter 2, section 6 of the Act on Measures against Money Laundering and Terrorist Financing;
2. a system or procedure to follow up business relationships on an ongoing basis pursuant to Chapter 2, section 10 of the Act on Measures against Money Laundering and Terrorist Financing, and Chapter 4, sections 18 and 19 of these regulations;
3. procedures for keeping documents and information about the customer due diligence measures taken pursuant to Chapter 2, section 13 of the Act on Measures against Money Laundering and Terrorist Financing, and Chapter 4, section 20 of these regulations;
4. a system or procedure for the monitoring obligation pursuant to Chapter 3, section 1 of the Act on Measures against Money Laundering and Terrorist Financing, and Chapter 5, section 1 of these regulations;
5. procedures for the obligation to provide information to Rikspolisstyrelsen pursuant to Chapter 3, section 1 of the Act on Measures against Money Laundering and Terrorist Financing, and Chapter 5, section 2 of these regulations;
6. a training programme pursuant to Chapter 5, section 1 of the Act on Measures against Money Laundering and Terrorist Financing, and Chapter 7, section 1 of these regulations;
7. procedures to protect employees from threats or hostile measures pursuant to Chapter 5, section 1 of the Act on Measures against Money Laundering and Terrorist Financing, and Chapter 7, section 2 of these regulations and
8. guidelines for internal control, compliance and internal information pursuant to Chapter 8 of these regulations.

The undertaking’s procedures, etc. shall be based on its operations and risk assessment.

Section 3 § An undertaking shall communicate to its branches and majority-owned subsidiaries outside the EEA regarding the undertaking’s procedures, etc.

Section 4  Where an undertaking is the parent undertaking in a group of companies, the board of directors of the parent undertaking shall establish common internal rules for measures against money laundering and terrorist financing for the undertakings within the group covered by the Act on Measures against Money Laundering and Terrorist Financing.
Chapter 4. Customer due diligence

Verification of the customer’s identity

Section 1 An undertaking, in situations requiring customer due diligence, pursuant to Chapter 2, section 2 of the Act on Measures against Money Laundering and Terrorist Financing, shall verify the customer’s identity in accordance with the provisions of Chapter 4, sections 2–7 of these regulations.

Natural person

Section 2 An undertaking shall verify the identity by means of a Swedish driver’s licence, Swedish passport, identity card issued by a Swedish authority or a Swedish certified identity card.

The undertaking shall verify the identity of those who do not have a Swedish identity document by verifying the passport or other identity document which provides information of citizenship and are issued by an authority or other authorised issuer. A copy of a foreign passport or other foreign identity document shall at all times be kept.

Where the customer has no identity document, the undertaking may verify the identity by means of other reliable documents and controls in accordance with the undertaking’s established procedures.

Natural person not physically present

Section 3 An undertaking shall verify the identity in a non-face-to-face situation by:

1. using electronic identification in order to create an advanced electronic signature as set forth in the definition in section 2 of the Electronic Commerce and other Information Society Services Act (2000:832) or by using any other similar technology for electronic identification, or
2. ensuring the customer’s identity in an appropriate manner by:
   a) obtaining information regarding the customer’s name, civic registration number or the equivalent as well as address,
   b) verifying the information against external registers, certificates, other documentation, or the equivalent, as well as
   c) contacting the customer by sending a confirmation to the customer’s address in the population register, ensuring that the customer sends a copy of the identification document, or the equivalent.

Legal person in exemptions

Section 4 Where the provisions governing basic measures for customer due diligence do not need to be applied pursuant to Chapter 2, section 5 of the Act on Measures against Money Laundering and Terrorist Financing, the undertaking shall still verify a customer’s identity by:

a) obtaining information regarding the customer’s name, civic registration number or the equivalent and address, as well as
b) verifying the information against external registers, certificates, other documentation, or the equivalent.
Legal entity

Section 5 An undertaking shall verify the identity of a customer that is a legal person by means of a registration certificate, corresponding authorising documents if the registration certificate has not been issued for the legal person, or make corresponding verification against external registers.

The undertaking shall also verify the identity of a representative of a legal person pursuant to section 2.

Legal person not physically present

Section 6 An undertaking shall verify the identity of a customer that is a legal person by means of a registration certificate, corresponding authorising documents if the registration certificate has not been issued for the legal person, or conduct equivalent verification against external registers.

The undertaking shall also contact the customer by sending a confirmation to the customer’s registered address or take an equivalent measure.

The undertaking shall also verify the identity of a representative of a legal person by:
– obtaining information on the person’s name and civic registration number or the equivalent, as well as
– verifying the information against the legal person’s registration certificate, external registers, identity documents for the representative pursuant to section 2, or other equivalent document.

Legal person in exemptions

Section 7 Where the provisions governing basic measures for customer due diligence do not need to be applied pursuant to Chapter 2, section 5 of the Act on Measures against Money Laundering and Terrorist Financing, the undertaking shall still verify a customer’s identity in an appropriate manner.

The undertaking shall also verify the identity of a representative of a legal person by:
– obtaining information on the person’s name and civic registration number or the equivalent, as well as
– verifying the information against the legal person’s registration certificate, external registers, identity documents for the representative pursuant to section 2, or other equivalent document.

Verifying the identity of a beneficial owner

Section 8 An undertaking, in situations requiring customer due diligence, pursuant to Chapter 2, section 2 of the Act on Measures against Money Laundering and Terrorist Financing, shall verify the identity of a beneficial owner pursuant to Chapter 4, section 9 of these regulations.

Section 9 An undertaking shall obtain reliable and sufficient information on a beneficial owner’s identity by means of public registers, relevant information from the customer or other information that the undertaking has received.

Where the customer is a legal person, the undertaking shall verify:
– direct and indirect natural owners if the holding in the customer amounts to more than 25 per cent, and
– the natural persons that exercise a determining influence over the customer.

**Measures performed by third parties**

**Section 10** An undertaking may rely on measures for basic customer due diligence which has been carried out by a third party pursuant to Chapter 2, section 3, third paragraph of the Act on Measures against Money Laundering and Terrorist Financing even if the documents and data are different from those required in accordance with these regulations. This applies if the measures are taken pursuant to equivalent requirements of a country within the EEA as well as in a country outside the EEA as set forth in Chapter 9, section 1 of these regulations.

**Section 11** The provisions contained in Chapter 2, section 3, third paragraph of the Act on Measures against Money Laundering and Terrorist Financing that an undertaking may rely on measures performed by a third party do not apply to outsourcing agreements or the equivalent where an outsourcing service provider performs a measure which the undertaking would otherwise have performed pursuant to the Act on Measures against Money Laundering and Terrorist Financing.

**Exemptions from provisions governing basic measures for customer due diligence**

**Section 12** The provisions governing basic customer due diligence and ongoing follow-up of business relationships in Chapter 2, sections 3, 4 and 10 of the Act on Measures against Money Laundering and Terrorist Financing do not apply to products or transactions related to such products that fulfil all criteria set forth below:

1. The product is based on a written contractual base;
2. The transaction is carried out through an account which the customer has with:
   – a credit institution pursuant to the Banking and Financing Business Act (2004:297);
   – another credit institution based within the EEA which is covered by Directive 2005/60/EC, or
   – a credit institution in a country based outside the EEA which is covered by requirements corresponding to those prescribed in Directive 2005/60/EC;
3. The product or the transaction is not anonymous and the provisions in Chapter 2, section 2, second paragraph of the Act on Measures against Money Laundering and Terrorist Financing can be applied without delay;
4. The value of the product or the transaction amounts to a maximum of EUR 15,000, or of a product which solely refers to financing of physical assets with ownership reservation until termination of the contractual relationship, amounts to a maximum of EUR 15,000 per year. This applies regardless of whether the transaction is carried out in a single transfer or in several transfers which appear to be linked. For insurance contracts or similar savings products, the maximum amount for the product applies to that set forth in Chapter 2, section 5, subsection 3 of the Act on Measures against Money Laundering and Terrorist Financing;
5. Benefits from the product or transaction cannot be realised for the benefit of a third party, except in the case of death, disablement, survival to a predetermined advanced age or similar events.
A product or transaction allowing for the investment of funds in financial assets or claims through insurances or other kind of contingent claims, shall also fulfil the following criteria:
1. the benefits which the product or transaction provides shall only be able to be paid out in the long term,
2. the product or transaction cannot be used as collateral, and
3. during the contractual relationship, no accelerated payments may be made, no surrender clauses may be used and no early termination may take place.

Section 13 The provisions governing basic customer due diligence and ongoing follow-up of business relationships in Chapter 2, sections 3, 4 and 10 of the Act on Measures against Money Laundering and Terrorist Financing do not apply to customers that are public authorities or bodies and which fulfil the following criteria:
1. the customer has been entrusted with public functions pursuant to the Treaty on European Union, the Treaties on the Communities or the Community’s secondary legislation;
2. the customer’s identity is publicly available, transparent and certain;
3. the activities of the customer, as well as its accounting practices, are transparent, and
4. either the customer is accountable to a Community institution or to the authorities of a Member State, or appropriate check and balance procedures exist ensuring control of the customer’s activity.

Politically exposed persons

14 § Persons who hold or have previously been entrusted with prominent public functions, pursuant to Chapter 1, section 5, subsection 7 of the Act on Measures against Money Laundering and Terrorist Financing refers to persons who hold or have previously held the following positions, or equivalent positions:

1. heads of state or government, ministers and deputy or assistant ministers;
2. parliament members;
3. judges of the Supreme Court, judges of constitutional courts or of other high-level judicial bodies whose decisions are not subject to further appeal, except in exceptional circumstances;
4. higher officials at auditing authorities and members of governing bodies of central banks;
5. ambassadors, chargés d’affaires and high-ranking officers in the armed forces;
6. members of the administrative, management or supervisory bodies of State-owned enterprises.

Persons who hold or have previously held positions, at Community level and international level, corresponding to those set forth in points 1–5 shall be included, where applicable.

Section 15 Immediate family members pursuant to Chapter 1, section 5, subsection 7 of the Act on Measures against Money Laundering and Terrorist Financing refers to:

1. spouse;
2. any partner considered by national law as equivalent to the spouse;
3. the children and their spouses or partners, and
4. the parents.
Section 16  Known associates pursuant to Chapter 1, section 5, subsection 7 of the Act on Measures against Money Laundering and Terrorist Financing refers to:

1. natural persons who are generally known or where there is reason to assume joint beneficial ownership of legal persons or legal arrangements referred to in section 14, or any other close business relationships, with a person referred to in section 14,
2. natural persons who have sole beneficial ownership of legal persons or legal arrangements which are generally known or where there is reason to assume that they have actually been set up for the benefit of such a person as referred to in section 14.

Section 17 When it has become known to an undertaking that a politically exposed person for at least one year has ceased to exercise prominent public functions within the meaning of section 14, the undertaking, based on the risk, shall determine whether they shall continue to apply enhanced measures for customer due diligence pursuant to Chapter 2, section 6, third paragraph, point 2 of the Act on Measures against Money Laundering and Terrorist Financing.

Ongoing follow-up of business relationships

Section 18 An undertaking shall maintain an electronic system or a manual procedure in order to continuously monitor business relationships in accordance with Chapter 2, section 10 of the Act on Measures against Money Laundering and Terrorist Financing.

Section 19 Where a customer enters an agreement for additional products or services within a business relationship, and this entails a deviation from what was previously known about the customer and his or her business and risk profile, the undertaking shall update its knowledge of the customer by taking the measures required in accordance with Chapter 2, section 3, first paragraph, points 2 and 3 of the Act on Measures against Money Laundering and Terrorist Financing, and Chapter 3, section 2, subsections 1 and 3 of these regulations.

Keeping documents or information

Section 20 An undertaking shall keep documents and information, pursuant to Chapter 2, section 13 of the Act on Measures against Money Laundering and Terrorist Financing, in a safe manner, electronically or on paper. The undertaking shall ensure that the documents and information are easy to produce and identify.

Chapter 5. Information and monitoring obligations

Transaction monitoring

Section 1 An undertaking shall maintain an electronic system or a manual procedure in order to monitor transactions pursuant to Chapter 3, section 1, first paragraph of the Act on Measures against Money Laundering and Terrorist Financing. The undertaking shall pay special attention to transactions which may be considered to involve special risk for money laundering and terrorist financing. This applies in particular to complex or unusually large transactions which have no apparent economic or visible lawful purpose.
Information to Rikspolisstyrelsen

Section 2 An undertaking shall provide information, pursuant to Chapter 3, section 1, second paragraph of the Act on Measures against Money Laundering and Terrorist Financing in the manner instructed by the National Police Board.

Section 3 An undertaking shall document measures and decisions when monitoring suspect transactions pursuant to Chapter 3, section 1, first and second paragraphs of the Act on Measures against Money Laundering and Terrorist Financing.

General guidelines

The documentation of monitoring measures should be kept for a minimum of three years after it has been conducted unless otherwise set forth in Chapter 4, section 6 of the Act on Measures against Money Laundering and Terrorist Financing or any provision in other legislation.

Chapter 6. Money laundering reporting officer

Money laundering reporting officer

Section 1 An undertaking’s board of directors or managing director shall appoint a money laundering reporting officer within the undertaking who is responsible for the obligation to provide information and monitor transactions pursuant to Chapter 3, section 1, first to third and fifth paragraphs of the Act on Measures against Money Laundering and Terrorist Financing, and Chapter 5 of these regulations. The money laundering reporting officer is also responsible for reporting to the board of directors or the managing director.

The money laundering reporting officer may appoint one or more persons to assist him or her and delegate powers to these persons.

Section 2 If appropriate, a money laundering reporting officer may be appointed for several or all undertakings within a group of companies. This applies on the condition that the money laundering reporting officer has the expertise and resources for all undertakings within the group which are covered by the Act on Measures against Money Laundering and Terrorist Financing.

Chapter 7. Training and protection of employees

Training of employees

Section 1 An undertaking shall have a training programme tailored to the undertaking regarding issues concerning money laundering or terrorist financing. The undertaking shall ensure that employees within relevant business areas are trained and continuously informed regarding changes in regulations and new trends and patterns which are used as well as methods which may be used for money laundering and terrorist financing.
Protection of employees

Section 2 An undertaking shall identify and analyse which threats or hostile measures which may arise against employees as a result of their monitoring or reporting of suspicion of money laundering or terrorist financing.

The undertaking shall investigate incidents which occur and use the knowledge they attain in order to update the procedures that protect employees and take relevant measures in the individual case.

Chapter 8. Internal control, compliance and internal information

Section 1 § An undertaking shall ensure that it meets the requirements of the Act on Measures against Money Laundering and Terrorist Financing, these regulations and the undertaking’s procedures, etc. through internal control and control of compliance. This particularly applies to the follow-up of the obligation to provide information and obligation to monitor as well as to ensure that there are controls which guarantee that information to the National Police Board reflects the operations in a reasonable manner.

Section 2 An undertaking shall possess efficient information and communications systems or procedures for internal information. This particularly applies in order to ensure that relevant knowledge that the undertaking attains from the monitoring and reporting of suspect transactions are reported continuously to the relevant business areas.

Chapter 9. States outside the EEA with equivalent regulations

Section 1 When implementing the Act on Measures against Money Laundering and Terrorist Financing and these regulations, States outside of the EEA which have regulations equivalent to those in Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on measures to prevent the financial system from being used for money laundering and terrorist financing, refers to the following states:

- Argentina,
- Australia,
- Brazil,
- Special Administrative Region Hong Kong of the People’s Republic of China
- Japan,
- Canada,
- Mexico,
- New Zealand
- Russia,
- Switzerland,
- Singapore,
- South Africa, and
- USA

MARTIN ANDERSSON

Cecilia Wolrath
Ministry of Justice

Statistics concerning money laundering and the funding of terrorism

Reported crimes and cleared-up crimes
During 2008, 173 crimes were reported concerning receiving stolen money or petty receiving of stolen money. No crime concerning the funding of terrorism was reported in 2008.

The proportion of crimes cleared up was 73 per cent and that of personally cleared-up crimes (i.e. crimes cleared up and linked to an individual perpetrator), 54 per cent. During 2008, 94 decisions to bring charges were taken concerning receiving stolen money or petty receiving of stolen money.

| Table 1. Reported crimes and cleared-up crimes concerning receiving stolen money and petty receiving of stolen money, by type of decision, and the percentage of decisions to bring charges, to impose a summary fine or to waive prosecution, of the number of reported crimes in 2008, all of Sweden |
|---------------------------------------------------|-----------------|-------|
|                                                   | Number | Per cent |
| Reported crimes                                  | 173    | 100     |
| Cleared-up crimes, 2008                          | 126    | 73      |
| Cleared-up crimes without a suspect, total       | 13     | 7.5     |
| Crime cannot be proven                           | 1      | 0.6     |
| Deed not a crime                                 | 3      | 1.7     |
| Suspect younger than 15 years of age             | 3      | 1.7     |
| Other                                            | 6      | 3.5     |
| Cleared-up crimes where there is a suspect       | 113    | 65      |
| Decision to bring charges                        | 94     | 54      |
| Summary imposition of a fine                     | -      | -       |
Initiated and concluded preliminary investigations
During 2008, 162 preliminary investigations were initiated concerning receiving stolen money or petty receiving of stolen money. The number of preliminary investigations concluded the same year was 146. Of these 146 concluded preliminary investigations, 94 led to a decision to bring charges (see table 1 above).

Prosecuted persons and crimes
In 2008, no one was prosecuted for funding terrorism. However, 97 people were prosecuted for receiving stolen money or petty receiving of stolen money. Of these 97 persons, 28 per cent were women and 72 per cent were men. Ninety-six people received a court order and one person was given a waiver of prosecution. In 2008, the number of prosecuted crimes concerning receiving stolen money and petty receiving of stolen money was 142.

### Table 2. Number of prosecuted crimes concerning receiving stolen money and petty receiving of stolen money, by type of proceedings in 2008, all of Sweden

<table>
<thead>
<tr>
<th></th>
<th>Receiving stolen money, Section 6a</th>
<th>Gross receiving of stolen money, Section 6a</th>
<th>Petty receiving of stolen money, Section 7a</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Main crime</td>
<td>Subsid. crime</td>
<td>Main crime</td>
</tr>
<tr>
<td>Waiver of prosecution</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Summary imposition of a fine</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Judgments</td>
<td>51</td>
<td>32</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>52</td>
<td>32</td>
<td>11</td>
</tr>
</tbody>
</table>

Of the 96 persons prosecuted who received a judgment, a suspended sentence was imposed in 62 per cent of the cases, 16 per cent were fined and 7 per cent were sentenced to imprisonment (see table 3
below). Of the seven people receiving prison sentences, two people received between 2–4 months, three received 6 months, one received one year, and one between 2–4 years imprisonment.

| Table 3. Number of prosecuted crimes concerning receiving stolen money and petty receiving of stolen money by main crime and main punishment in 2008, all of Sweden |
|----------------------------------|--------|-----------|--------|--------|--------|-----------------|
|                                   | Prison | Probation | Suspended | Fines | Other | Waiver of prosecution |
| Receiving stolen money            | 7      | 5         | 43       | 1     | 6     | 1               |
| Petty receiving of stolen money   | -      | -         | 17       | 14    | 3     | -               |
| Total                             | 7      | 5         | 60       | 15    | 9     | 1               |

Reports from the FIU

| Table 4. Number of reports from the FIU to investigating police authorities, all of Sweden |
|----------------------------------|--------|-----------------|
|                                   | 2008   | 2009 (preliminary) |
| ML suspicions                    | 173    | 305              |
| TF suspicions                    | 0      | 1                |
| Total                            | 173    | 306              |

Suspicious Transaction Reports

The FIU have the possibility to produce statistics on STR:s with 32 statistics parameters, for example statistics from each reporting company, cross-border transactions, currencies, amounts and involved countries.

The aggregated amount for STR:s reported in 2008 is 9 852 075 307 SEK, compared to 4 013 959 827 SEK in 2007.
Table 5. Total number of STR:s, all of Sweden [the total number for 2009 is 9014, see table 7]

![Graph showing the total number of STR:s from 1994 to 2008]

Table 6. STR:s per sector in 2008

<table>
<thead>
<tr>
<th>Sector</th>
<th>Number of reports per sector</th>
<th>Number of natural and legal persons reporting</th>
<th>Number of natural and legal persons obliged to report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other financial activities</td>
<td>0</td>
<td>0</td>
<td>148</td>
</tr>
<tr>
<td>Auction houses</td>
<td>5</td>
<td>1</td>
<td>300</td>
</tr>
<tr>
<td>Banking &amp; Finance</td>
<td>7232</td>
<td>57</td>
<td>126</td>
</tr>
<tr>
<td>Money Transfer Agencies</td>
<td>1452</td>
<td>7</td>
<td>42</td>
</tr>
<tr>
<td>Car dealers (vehicle trade)</td>
<td>17</td>
<td>7</td>
<td>1000</td>
</tr>
<tr>
<td>Casinos</td>
<td>145</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Real estate agents</td>
<td>0</td>
<td>0</td>
<td>6100</td>
</tr>
<tr>
<td>Investment funds</td>
<td>1</td>
<td>1</td>
<td>117</td>
</tr>
<tr>
<td>Insurance agents</td>
<td>1</td>
<td>1</td>
<td>922</td>
</tr>
<tr>
<td>Trade in antiques and art</td>
<td>0</td>
<td>0</td>
<td>150</td>
</tr>
<tr>
<td>Trade in waste materials</td>
<td>0</td>
<td>0</td>
<td>86</td>
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<tr>
<td>Sector</td>
<td>Number of reports per sector</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>------------------------------</td>
<td>-----</td>
<td></td>
</tr>
<tr>
<td>Currency exchange</td>
<td>3541</td>
<td>39.3</td>
<td></td>
</tr>
<tr>
<td>Banking &amp; finance</td>
<td>3213</td>
<td>35.6</td>
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<tr>
<td>Money transfer agencies</td>
<td>1735</td>
<td>19.2</td>
<td></td>
</tr>
<tr>
<td>Casino</td>
<td>319</td>
<td>3.5</td>
<td></td>
</tr>
<tr>
<td>Companies/Institutions trading in securities</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Financing agencies</td>
<td>24</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>Other financial business</td>
<td>10</td>
<td>0.1</td>
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<tr>
<td>Real estate agents</td>
<td>8</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>Vehicle trade</td>
<td>6</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>Auditors</td>
<td>6</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>Investment funds</td>
<td>5</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>Insurance agents</td>
<td>5</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>Lawyer’s</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Life insurance companies</td>
<td>2</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Bookkeeping &amp; other auditorservice</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Trade in antiques and art</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>135</td>
<td>1.7</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>9014</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

(Not specified sector = no STRs received)
Table 8. STR:s per sector Jan 1 2010 – April 30 2010 [NEW]

<table>
<thead>
<tr>
<th>Sector</th>
<th>Number of reports per sector</th>
<th>%</th>
</tr>
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<tbody>
<tr>
<td>Currency exchange</td>
<td>1526</td>
<td>35.4</td>
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<tr>
<td>Banking &amp; finance</td>
<td>1304</td>
<td>30.2</td>
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<tr>
<td>Money transfer agencies</td>
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<td>26.8</td>
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<tr>
<td>Casino</td>
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<tr>
<td>Companies/Institutions trading in securities</td>
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<tr>
<td>Financing agencies</td>
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<tr>
<td>Other financial business</td>
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<tr>
<td>Real estate agents</td>
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<td>0.1</td>
</tr>
<tr>
<td>Vehicle trade</td>
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<td>0.1</td>
</tr>
<tr>
<td>Auditors</td>
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<td>0.1</td>
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<tr>
<td>Investment funds</td>
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<td>0.1</td>
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<tr>
<td>Insurance agents</td>
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<td>0.1</td>
</tr>
<tr>
<td>Lawyer´s</td>
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<td>0</td>
</tr>
<tr>
<td>Life insurance companies</td>
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<td>0</td>
</tr>
<tr>
<td>Bookkeeping &amp; other auditorservice</td>
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<td>0</td>
</tr>
<tr>
<td>Trade in antiques and art</td>
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<tr>
<td>Other</td>
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</tr>
<tr>
<td>Totalt</td>
<td>4311</td>
<td>100</td>
</tr>
</tbody>
</table>

Property seized and confiscated

The number of cases and the amounts of property frozen, seized, and confiscated relating to i) ML, ii) FT and iii) criminal proceeds during the period 2009-05-12 – 2010-02-25.

i) and ii) There are no cases of property frozen, seized or confiscated relating to ML or FT during this period.

iii) The total amount of property seized relating to criminal proceeds is 7,560,000 SEK. There are no available statistics on freezing.

In certain cases the amounts are in a foreign currency and therefore converted to the current course. Of the total amount of property, claims concerning 1,353,000 SEK have so far been dismissed in court.

There are 61 cases of confiscation relating to criminal proceeds during this period:
- narcotic drug offence, 40 cases,
- receiving, 1,
- lottery law offence, 2,
- misuse of office, 2,
- theft, 1,
- customs offence, 3,
- taking a bribe, 2,
- alcohol law offence, 2,
- procuring, 1,
- counterfeiting, 1,
- tax offences, 1,
- smuggling, 1,
- breach of faith committed by an agent against his principal, 1,
- bookkeeping crime, 2 and
- bribery, 1.

Mutual legal assistance or other international requests for co-operation

There are three cases related to ML during year 2009:

1. A Swedish request for legal assistance from the EU made 19 January 2009. The response came 29 April 2009. There is no indication on the outcome of the request. In the same case Sweden requested legal assistance from other States outside the EU and made an extradition request from another State.
2. A request for legal assistance from another EU country received 27 March 2009. Response 3 August 2009, the request was granted.
3. A Swedish request for legal assistance from the EU made 17 April 2009, response 13 May 2009. There is no indication on the outcome of the request.

There are no cases related to FT during 2009.

International police cooperation The FIU has received 272 requests for international assistance in 2009.