SVERIGES RIKSDAG

A Code of Conduct for the members of the Riksdag

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We, the Presiding Officers of the Riksdag (the Swedish Parliament) and the party group leaders, have on this day adopted a Code of Conduct on behalf of ourselves and the other members of the Riksdag. The Code of Conduct applies to all members of the Riksdag as of 1 January 2017.

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General points of departure

1. The Riksdag is the foremost representative of the people, and the assignment as a member of the Riksdag is based on the confidence the citizens have expressed in the MPs in general elections. The MPs have agreed on a common Code of Conduct which will help to uphold this confidence.

2. The Code of Conduct summarises the regulatory framework and values that are central to the assignment as a member of the Riksdag. In this way, it serves as an ethical foundation for the assignment as an MP.

3. The Code of Conduct makes it easier for voters to hold the MPs accountable by contributing to greater transparency and clarity regarding the preconditions for the assignment.

4. The Riksdag is a central component of our public power, and the assignment as an MP places stringent demands with regard to judgement and conduct. The MPs should work together in democratic spirit and show one another mutual respect in their everyday work in the Riksdag.

5. In the exercise of their assignment, the MPs shall work to promote public interests and shall not exploit their position for personal gain. The assignment places great demands on integrity, and situations that can damage public confidence should be avoided.

Conflict of interests

1. A member of the Riksdag may not participate in the consideration of a matter at a meeting of the Chamber if the matter personally concerns the MP him/herself, the member's husband or wife, cohabiting partner, parents, children, siblings or other close associates. Nor may a member of the Riksdag be present during the consideration of such a matter in a committee.

2. A member of the Riksdag who has previously served as a Government minister may participate in deliberations in the Chamber in matters relating to his or her duties as a minister. However he/she may not participate in a vote on such a matter.

3. A member of the Riksdag who is aware of any circumstance that may constitute a conflict of interests for him or her should, with the exception of what is stated under point 2, not participate in the consideration of the matter.

The register of financial interests

1. Members of the Riksdag shall report their commitments and financial interests which are subject to compulsory registration under the Act on the registration of the commitments and financial interests of the members of the Riksdag (1996:810). Members shall report all information that is relevant at the time of notification, and shall report the information to the Secretariat of the Chamber. The information is then entered into the register of financial interests.

2. A member who has no such commitment or interest as referred to under point 1 shall notify the register of this.

Bribes

1. Provisions concerning the taking and giving of bribes are contained in Ch. 10 of the Swedish Penal Code.

2. A member of the Riksdag may neither for his/her own or for anyone else's account receive, accept a promise of or request an undue reward for the performance of his/her duties. This also applies to such rewards that are given, promised or offered before the assignment has started or after the assignment has been concluded.

Gifts

1. A member of the Riksdag who receives a gift primarily in his/her capacity as a member of the Riksdag shall report this for registration in a register of gifts.

2. This information shall be reported in writing to the Internal Services Department no later than two weeks after the gift was received.

3. Gifts with no, or insignificant economic value do not need to be reported.

Responsibility for the Code of Conduct

1. The Presiding Officers of the Riksdag and the party group leaders have the ultimate responsibility for the Code of Conduct.

2. The party group leaders are responsible for ensuring that the Code of Conduct serves as a guideline for the members of their respective party groups.

Guide to applying the Code of Conduct for the members of the Riksdag

Comments on the guide

This is a guide to the Code of Conduct for the members of the Riksdag. The purpose of the guide is to facilitate understanding of what the Code of Conduct's values and regulations involve. In this guide, the Code of Conduct is commented on and discussed in greater detail in order to facilitate the MPs' application of the Code. Furthermore, certain regulatory frameworks and routines are clarified.

The introduction to the Code of Conduct

Public confidence in the Riksdag is based on several pillars. One is representative democracy, which means that the members of the Riksdag are appointed by means of a democratic process. Another is the rule of law and the laws surrounding the Riksdag. A third important pillar of public confidence in the Riksdag is its members, both current members and members who have concluded their assignments. The members currently in the Riksdag hold a very valuable vested confidence. The Code of Conduct shall help to safeguard this confidence.

The Code of Conduct is a declaration of intent, which is made on behalf of all members of the Riksdag. The Code of Conduct is not legally binding in itself, nor is it an agreement or oath. Instead it is based on the assumption that the members of the Riksdag accept that they should follow the Code from the day they start their assignment as members.

The regulatory framework surrounding the assignment as an MP can be found in different sources: our fundamental laws, ordinary laws, regulations, handbooks and practice. The Code joins together all these different rules which the MPs are to follow in one and the same place. Thus it is easier to get an overview of the regulatory framework. Clarity about the rules that apply also makes it easier for voters to hold the MPs accountable.

The introduction to the Code of Conduct also describes certain common principles for the assignment as a member of the Riksdag. These principles form a common set of ethics for what being an MP in Sweden involves.

The Code of Conduct stresses that the Riksdag is part of the public power. Chapter 1 of the Instrument of Government describes how this power is to be exercised. Article 1 sets out that public power is exercised under the law. In order to maintain the legitimacy of this principle, it is as natural as it is important that the MPs comply with the laws they adopt. This is in order to ensure that the decisions of the Riksdag are regarded as legitimate and to safeguard the citizens' confidence in the MPs. Article 2 sets out that public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the individual. It further states that the public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person. The principle of all people's equal worth is a central point of departure for the assignment as an MP.

The introduction to the Code of Conduct sends the message that the assignment as an MP places stringent demands as regards ethics and morals. These demands mean that, both privately and in their assignment, they refrain from action that may be legal, but that may also be regarded by others as unethical or inappropriate. An MP sometimes needs to make difficult ethical considerations and be aware that his or her actions may be subject to detailed examination. One way of responding to this challenge is by reflecting over whether a particular action would risk damaging public confidence in the event that it became known.

The Code of Conduct states that the members of the Riksdag work together in democratic spirit showing mutual respect for one another. This is an important point of departure for how the MPs are to behave towards each other in their everyday work at the Riksdag.

Finally in the introduction to the Code of Conduct, it is stated that the MPs are expected to put public interests before their own interests, and not exploit their position for material or economic gain. The assignment as an MP involves a position of power with access to resources, networks and information. These assets are to be used solely in the interests of the public.

Conflict of interests (disqualification)

Chapter 6, Article 19 of the Riksdag Act
No one may be present at a meeting when a matter is being deliberated which personally concerns himself or herself or a close associate.
A minister may however participate in the deliberation of a matter concerning the performance of his or her official duties.

Chapter 7, Article 21 of the Riksdag Act
No one may be present at a meeting of a committee when a matter is being deliberated which personally concerns himself or herself or a close associate.

The rules on disqualification exist in order to ensure that the work of the Riksdag is not improperly influenced by an MP participating in decisions on matters in which he or she has a personal interest. In the Riksdag, all MPs have, in principle, an unconditional right to express themselves in all matters that are up for decision. Freedom of expression is of fundamental importance to the work of the Riksdag, and the Instrument of Government also lays down the principle that all MPs must be free to express their opinion ahead of the determination of an item of parliamentary business.

The provisions on disqualification involve an exception from this constitutional principle of freedom of expression.

The provisions on disqualification in the Riksdag Act are, in other words, a special example of restrictions regarding the MPs' freedom of expression. They prohibit MPs from participating in any way in the consideration of a matter personally concerning themselves or a close associate. The ban applies to both the debate and the decision. "Personally concerns" means that it should pertain to the MP directly; it is said that the matter must specifically concern the individual. If the MP is affected by a matter in his or her capacity as a member of a collective (e.g. a professional category) or as an official, there is no disqualification. An MP who is a member of the board of a public agency can, in other words, participate in the consideration of appropriations to this agency (see Committee Report 1989/90:KU36 p. 28).

According to the Instrument of Government, the Riksdag is prevented from performing judicial or administrative duties outside a strictly limited field set out in the fundamental laws and the Riksdag Act (in certain cases, for example, the Riksdag shall examine matters relating to permission to initiate legal proceedings against a member of the Riksdag). Since the Riksdag may not get involved in individual judicial or administrative matters, it is extremely unusual for an item of parliamentary business to directly concern an MP at the individual level. Matters in the Riksdag have a more general content in the form of legislation, budget decisions etc. A legislative decision, for example, that applies to enterprise naturally has implications for individual companies, and therefore consequences for stakeholders in the company in the form of owners, board members, managing director etc. However, this is not a formal situation of disqualification and MPs do not need to refrain from participating in consideration of such matters.

Another aspect is that it may be appropriate in certain cases not to participate in the consideration of a matter with regard to the political (ethical) implications, even if there are no grounds for disqualification in the formal sense. In such a case, an MP may voluntarily choose not to participate in the consideration of the matter.

The provision in the Riksdag Act on disqualification at meetings of the Chamber contains an exception for ministers as regards participation in the deliberation of a matter concerning the performance of their official duties. A government minister is, in other words, entitled to participate in the debate on the Committee on the Constitution's scrutiny report. This exception also applies to former ministers who are now members of the Riksdag. However, there is no exemption provision making it possible to participate in a possible vote on a scrutiny debate.

There is no general rule as to who can be regarded as a close associate apart from the categories listed in the Code of Conduct. According to the comments to the Local Government Act (upon which the provisions on disqualification in the Riksdag Act are based), live-apart partners can often be included in this concept, as can other individuals with whom the MP has close contact and who assist the MP in personal business to a greater extent than other people who are closely connected with him or her.

Merely being a beneficiary under a will does not make a person a close associate, nor does a note in a medical record indicating that someone is closely connected.[1]

An MP who is aware of a circumstance that constitutes disqualification should not participate in the consideration of a matter. Matters relating to disqualification and the implications of disqualification may arise during different stages in the consideration of an item of parliamentary business: when the matter is dealt with by a parliamentary committee, when it is debated in the Chamber and when the Speaker adopts a position on whether or not to put a question for decision. This, together with internal discussions in the party groups, naturally contributes to preventing MPs from ending up in a situation that may lead to disqualification. An MP who does not participate in the consideration of a matter in the Chamber or in a committee on account of disqualification can request that this is noted in the record.

The register of financial interests

The rules on the registration of commitments and financial interests have a different point of departure than the rules on disqualification. They are based on the legitimate public interest in information about the elected representatives' commitments and financial interests regardless of whether these commitments at a specific point in time have a bearing on the decisions made in a committee or in the Chamber or on other activities of the Riksdag.

Under the Act on registration of the commitments and financial interests of members of the Riksdag the Riksdag Administration shall establish and maintain a register intended to provide overall information about the MPs' commitments and financial interests to the extent that this is justified from the point of view of legitimate public interests. The information to be registered includes interests in companies (e.g. shareholdings),

1. Lindquist et al, *Kommunallagen – En handbok med lagtext och kommentarer [The Local Government Act – A manual with legislative texts and comments* (version of 1 Januari 2013, Zeteo), comments to Ch. 5, Sec. 20.]

ownership of commercial property, salaried employment which is not just of a temporary nature, income-generating independent operations that are run over and above their assignment as an MP, agreements of a financial nature, various board assignments and central or local government assignments which are not just of a temporary nature and certain economic benefits. Debts exceeding two price base amounts and deriving from business or investment operations are also to be registered.

Since 1 March 2008, it is compulsory for MPs to report to the register of financial interests. MPs are obliged to report all commitments and financial interests of the kind listed above that exist at the time of notification. Information that there is nothing to register shall also be reported. The obligation to provide information also applies to alternate members who are to serve for at least three consecutive months.

The information is to be reported in writing to the Secretariat of the Chamber. It must be reported within four weeks of the first meeting of the Chamber after an election or from a later date when a member commenced his or her assignment as and MP. New information or amendments to registered information shall be reported in writing within four weeks of the changes occurring. A new electoral period means the start of a new assignment as an MP. This means that re-elected MPs must report their information to the register again.

If an MP fails to report to the register, the Speaker shall announce at a meeting of the Chamber that the MP in question has failed to fulfil his or her obligation to report information to the register.

Information about how to report the information and what information to report is contained in a manual (Handledning LedEkReg) which is available on the Riksdag intranet.

Bribes

Chapter 10, Section 5a of the Swedish Penal Code
A person who is an employee or performs an assignment and receives, accepts a promise of or demands an improper benefit for the exercise of the employment or the assignment shall be sentenced for *taking a bribe* to a fine or imprisonment for at most two years. [- - -]
Paragraph one also applies if the act was committed before the perpetrator held such a position as is referred to there or after the employment or assignment was concluded.
A person who receives, accepts a promise of or demands a benefit on behalf of someone else shall also be sentenced for taking a bribe under paragraph one.

Chapter 10, Section 5b of the Swedish Penal Code
A person who gives, promises or offers an improper benefit in such cases referred to in Section 5 a is sentenced for *giving a bribe* to a fine or imprisonment for at most two years.

Chapter 10, Section 5c of the Swedish Penal Code
If a crime of the kind referred to in Section 5 a or 5 b may be regarded as gross, the person concerned shall be sentenced for *gross taking of a bribe* or *gross giving of a bribe* to prison for at least six months and at most six years. When assessing whether the offence is gross, special consideration shall be taken of whether the act involved misuse of or an attack against a position of special responsibility, concerned significant value or was part of a criminality that has been exercised systematically or on a large scale or has otherwise been of an especially dangerous nature

The Swedish provisions on crimes of bribery are very generally worded and do not contain any clear guidelines on how the provisions should be applied in practice. Personal responsibility and the ability of the individual to make ethical choices must therefore be determining factors in many cases.

Criminal liability for taking of bribes must entail that the employee or holder of an assignment has received, accepted a promise of or requested

an improper benefit for the *performance of the employment or assignment*. This requirement implies that the relationship between the parties must predominantly be of a business nature and that the benefit can therefore be ultimately related to something that is attributable to the activities conducted by the employee's or holder of the assignment's principal. Such a business relationship between the parties does not exist if the benefit is exclusively or essentially based on, for example, a friendship or an acquaintance or other form of non-business relationship.

For criminal liability to apply, the benefit need not be focused on something that, in the end, is a task for the employee or holder of the assignment. It is sufficient that he or she, within the framework of the employment or assignment, can exert an influence on the process. Nor does it necessitate that the benefit be shown to be related to a specific official duty, and still less that it be proved that the benefit aimed to, induced or rewarded an improper measure or a measure that rewards the person who gave, promised or offered the benefit.

Responsibility for taking of a bribe may arise if the benefit goes to or was intended to go to the employee's or assignment holder's family or close relatives, or to an organisation or other body with which he or she can be associated. It is not necessary for the employee or holder of the assignment to have physically received the benefit in order to pass it on to someone else. It is sufficient for him or her to know that the benefit has been given directly to someone else and have expressed approval or in some other way taken action to encourage the receipt.

The legislation applies to improper benefits. The dividing line between a proper benefit and improper benefit is fine, and may vary with time. The assessment of whether a benefit is improper or not shall be based on all the circumstances connected with the action. Significant factors include the economic value and the nature of the benefit, as well as the particular circumstances surrounding the giving of the benefit. An improper benefit is, as a rule, given, promised or offered prior to the performance of the official duty that the benefit is intended to influence, but it may also be given in thanks for the help after the favour has been performed. *Every transaction that, seen objectively, has the potential to affect the execution of certain tasks or be construed as a reward for how the tasks have been performed*

is improper. A member of the Riksdag should not expose himself or herself to the risk of even being suspected of being influenced by irrelevant wishes or considerations.

Questions that all members should ask themselves if they are offered something by an outside party are:
- is this a benefit and why is it being offered to me?
- is there any connection between the benefit and the performance of my assignment?
- what is the nature of the benefit and how much is it worth?

Situations in which they should think twice include offers of discounts, commissions, meals, travel, conferences, tickets to various events, leisure offers or services, but also less obvious benefits such as purchases at cost price, *if there is reason to believe that the benefit is being offered to the MP on account of their assignment*. Annual passes, free passes and similar offers are examples of gifts that should not be accepted. A good way of avoiding having to decide where to draw the line is, of course, to avoid accepting any gifts or benefits.

Some examples of benefits that are improper *if they are offered to an MP on account of their assignment* include:
- gifts of money in cash, securities etc.;
- monetary loans on especially advantageous terms;
- guarantee commitments or covering of loans;
- waiving of purchase price, debt, repayment instalments or interest;
- the right to use vehicles, boats, summer houses etc. for private use;
- fully or partially paid leisure trips or holidays;
- other gifts or benefits which are not of insignificant value (and in certain cases, benefits of an insignificant value) can also fulfil the requirements for what is considered improper.

Examples of benefits that may be acceptable are seriously planned, shorter study trips, courses or conferences without lavish side-arrangements, on condition that there is an obvious link between the assignment as an MP and that the benefit may be regarded as a natural component and valuable

aspect of the performance of the assignment. The full circumstances must be thoroughly considered in each individual case. A study trip lasting longer than one day can, for example, rarely be regarded as appropriate. If the trip is abroad, this should be justifiable on objective grounds, for example, that there is no equivalent object of study closer to home.

Gifts

Sometimes, MPs are offered gifts in connection with official entertainment, for example, at meetings with representatives of foreign parliaments or during committee visits. In most cases, the gift is directed to an individual MP as a representative of the Riksdag. In such cases, the gift belongs to the Riksdag and is received on behalf of the Riksdag. In cases where the gift is of insignificant value, for example souvenirs, pens or similar products, it may be permitted to accept them for personal use. In other cases, the gift should go to the Riksdag.

All gifts received by MPs in their capacity as representatives of the Riksdag are to be registered in a special gifts register. Gifts with no, or insignificant economic value do not need to be reported, however. The provisions on this are contained in the Act concerning the registration and handling of gifts received by members of the Riksdag (2016:1117), and the accompanying regulations and general recommendations.

There may be situations in which it is difficult to determine whether an MP has received a gift as a private individual, as a representative of their party or as a representative of the Riksdag. The determining factor here is whether the gift is mainly connected with the member's assignment as an MP or is given for some other reason, for example, on account of his or her position in the party. Gifts which are based purely on friendship and are not connected with the assignment as an MP naturally go to the member personally.

Anyone who receives a gift that is intended for the Riksdag may not keep the gift for private use or make use of it in some other way, for example, by selling it or giving it away. Intentionally refraining from handing over a gift that belongs to the Riksdag may involve criminal liability under

the provisions of the Swedish Penal Code on embezzlement (Ch.10, Sec.1-3) or unlawful disposal (Ch.10, Sec.4).

When MPs consider whether to accept gifts for themselves, it is important that they assess whether there is a risk that the gift may be regarded as a bribe. For further guidance on improper benefits that may come under bribery legislation, see the section on bribes in the Code of Conduct.

Responsibility for the Code of Conduct

The Code of Conduct is a voluntary agreement which has been adopted by the Presiding Officers of the Riksdag and the party group leaders on behalf of themselves and the other members of the Riksdag. The Presiding Officers and the party group leaders therefore have the ultimate responsibility for the Code. The Presiding Officers are responsible for determining how to gain support for the Code, how to keep it alive and when to revise it. The group leaders have the more direct responsibility for ensuring that the Code of Conduct is a living document which provides guidance in everyday activities and support to the MPs in their assignment.

This is natural in view of the strong position of the party groups and their significance for the work of the Riksdag and matters associated with the assignment as a MP. In practice, however, the most important factor is that each member bears a responsibility for following up the Code of Conduct and other provisions and rules.

In its efforts to implement and work practically with the Code of Conduct, the group leaders have the resources of the Riksdag Administration at their disposal.

By gathering important regulatory frameworks for the assignment as an MP in one and the same place, the Code of Conduct creates greater clarity for voters and elected representatives alike. The Code of Conduct makes it easier to identify the regulatory frameworks affecting the assignment as an MP, and this in turn makes it easier for the voters to hold the MPs to account in the case of any deviations. A Code of Conduct raises an awareness of the principles and regulatory frameworks that apply to the assignment as an MP and to the various considerations an MP regularly

has to deal with. It can also help to place discussions about how to interpret the rules high on the agendas of the MPs' and party groups' discussions. In summary, therefore, the Code of Conduct serves as an important contribution to strengthening the confidence of the Swedish people in the Riksdag.

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