

No. 29641

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
SWEDEN**

**Agreement concerning the restraint and confiscation of the
proceeds of crime. Signed at Stockholm on 14 December
1989**

Authentic texts: English and Swedish.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 22 March 1993.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
SUÈDE**

**Accord relatif à la retenue et à la confiscation des revenus
provenant du crime. Signé à Stockholm le 14 décembre
1989**

Textes authentiques : anglais et suédois.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 22 mars 1993.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF SWEDEN CONCERNING THE RESTRAINT AND CONFISCATION OF THE PROCEEDS OF CRIME

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Sweden;

Desiring to provide the widest measure of mutual assistance in the investigation, restraint and confiscation of the proceeds of crime;

Have agreed as follows:

ARTICLE 1

Scope of Application

- (1) The Parties shall, in accordance with this Agreement and to the extent permitted under their national laws, grant to each other assistance in the restraint and confiscation of the proceeds of crime and in investigations connected with the tracing and recovery of such proceeds.
- (2) This Agreement shall not derogate from other obligations between the Parties whether pursuant to other treaties or arrangements or otherwise, nor prevent the Parties or their law enforcement agencies from providing assistance to each other pursuant to other treaties or arrangements or as otherwise appropriate.

ARTICLE 2

Definitions

For the purposes of this Agreement:

- (a) proceedings are instituted
 - (i) in the United Kingdom, when a person is charged with an offence;
 - (ii) in Sweden, when a public prosecutor has established that there are reasonable grounds to suspect that a person has committed an offence and accordingly the prosecutor is obliged under the Code of Judicial Procedure to notify the person of the suspicion;
- (b) proceeds of crime means any property that is derived or realised, directly or indirectly, by any person from an offence under the law of one of the Parties which corresponds to an offence under the law of the other Party, or the value of any such property;

¹ Came into force on 1 April 1992, i.e., the first day of the month following the expiration of one calendar month after the date of the last of the notifications by which the Parties had notified each other of the completion of their respective requirements, in accordance with article 12 (1).

- (c) property includes money and all kinds of moveable or immovable and tangible or intangible property;
- (d) the restraint of property means seizure, attachment or other measures for the prevention of dealing in or transfer or disposal of property.

ARTICLE 3

Central Authorities

- (1) Requests for assistance under this Agreement shall be made through the central authorities of the Parties.
- (2) In the United Kingdom the central authority is the Home Office. In Sweden the central authority is the Ministry for Foreign Affairs.

ARTICLE 4

Execution of Requests

- (1) To the extent permitted by its national law, the Requested Party shall take whatever steps it deems to be necessary to give effect to requests received from the Requesting Party.
- (2) A request for assistance may be refused:
 - (a) if execution of the request would not be permitted under national law;
 - (b) if the request concerns an offence which the Requested Party considers a political offence;
 - (c) if the Requested Party is of the opinion that the request, if granted, would seriously impair its sovereignty, security, national interest or other essential interests.
- (3) The Requested Party may refuse a request or delay its execution if provision of the assistance sought could prejudice any other investigation or proceedings, prejudice the safety of any person or impose a disproportionate burden on the resources of that Party.
- (4) Before refusing to grant a request for assistance the Requested Party shall consider whether assistance may be granted subject to such conditions as it deems necessary. If the Requesting Party accepts assistance subject to these conditions, it shall comply with the conditions.
- (5) If the Requested Party considers that the information contained in a request is not sufficient to enable the request to be dealt with, that Party may request that additional information be furnished.
- (6) The rights of third parties under the law of the Requested Party shall be respected.
- (7) The Requested Party shall inform the Requesting Party of the outcome of the request.
- (8) The Requesting Party shall promptly inform the Requested Party of any circumstances, including any other enforcement action, which may affect the request or its execution or which may make it inappropriate to proceed with giving effect to it; and the Requesting Party shall if necessary withdraw the request.

ARTICLE 5

Information and Evidence

- (1) The Parties may make requests for information and evidence for the purpose of an investigation or proceedings.
- (2) Assistance which may be given under this Article includes but is not limited to:
 - (a) providing information and documents or copies thereof for the purpose of an investigation or proceedings in the territory of the Requesting Party;
 - (b) taking the evidence of witnesses and requiring witnesses to produce documents, records or other material for transmission to the Requesting Party;
 - (c) searching for, seizing and delivering to the Requesting Party any relevant material, and providing such information as may be required by the Requesting Party concerning the place of seizure, the circumstances of seizure and the subsequent custody of the material seized prior to delivery.
- (3) Where required by the Requested Party, the Requesting Party shall return material provided under this Article when no longer needed for any investigation or proceedings.

ARTICLE 6

Restraint of Proceeds

- (1) In accordance with the provisions of this Article, a Party may request the restraint of property in order to ensure that it is available for the purposes of enforcement of a confiscation order which has been or may be made.
- (2) A request made under this Article shall include:
 - (a) information establishing that proceedings have been or are to be instituted as a result of which a confiscation order has been or may be made;
 - (b) where applicable, a statement of when proceedings are to be instituted;
 - (c) either
 - (i) a summary of the facts of the case including a description of the offence, the time and place of its commission, a reference to the relevant legal provisions, the grounds on which the suspicion is based and a copy of any relevant restraint order;
or
 - (ii) where a confiscation order has been made, a copy of that order;
 - (d) to the extent possible, a description of the property in respect of which restraint is sought or which is believed to be available for restraint, and its connection with the person against whom the proceedings have been or are to be instituted;
 - (e) where appropriate, a statement of the amount which it is desired to restrain and the grounds on which this amount is estimated;
 - (f) where applicable, a statement of the estimated time expected to elapse before the case is committed for trial and before a final judgment may be given.

(3) The Requesting Party shall advise the Requested Party of any alteration in an estimate of time referred to in paragraph (2)(f) above and in doing so shall also give information about the stage of proceedings reached.

(4) The Requested Party may impose a condition limiting the duration of the restraint.

ARTICLE 7

Enforcement of Confiscation Orders

(1) This Article applies to an order, made by a court of the Requesting Party, intended to recover the proceeds of crime.

(2) A request for assistance in enforcing such an order shall be accompanied by a copy of the order, certified by an officer of the court that made the order or by the central authority, and shall contain information indicating:

- (a) that neither the order nor any conviction to which it relates is subject to appeal;
- (b) that the order is enforceable in the territory of the Requesting Party;
- (c) where appropriate, property available for enforcement or the property in respect of which assistance is sought, stating the relationship between that property and the person against whom the order has been made;
- (d) where appropriate, and where known, the interests in the property of any person other than the person against whom the order has been made; and
- (e) where appropriate, the amount which it is desired to realise as a result of such assistance.

(3) A request for assistance under this Article shall not be made if the order or that part of the order in respect of which assistance is sought is being enforced by other means in the territory of the Requesting Party or elsewhere.

(4) Where the law of the Requested Party does not permit effect to be given to a request in full, the Requested Party shall use its best endeavours to give effect to it in so far as it is able to do so.

(5) If a request under this Article relates to an amount of money, that amount shall be converted into the currency of the Requested Party at the rate of exchange ruling at the time when the decision to enforce is taken by a court of the Requested Party.

(6) Property obtained by the Requested Party in the enforcement of an order to which this Article applies shall remain with that Party, unless otherwise agreed upon between the Parties.

ARTICLE 8

Costs

The Requested Party shall bear any costs arising within its territory. Extraordinary costs may be subject to special agreement between the Parties.

ARTICLE 9**Language**

Except where otherwise agreed between the Parties in a particular case, requests in accordance with Articles 5, 6 and 7 and supporting documents shall be drawn up in the language of the Requesting Party and shall be accompanied by a translation into the language of the Requested Party.

ARTICLE 10**Certification**

Unless otherwise required under national law, and without prejudice to Article 7(2), documents certified by a central authority shall not require further certification, authentication or legalisation for the purposes of this Agreement.

ARTICLE 11**Territorial Application**

This Agreement shall apply:

- (a) in respect of requests from Sweden,
 - (i) to England and Wales and Scotland;
 - (ii) upon notification by the United Kingdom to Sweden through the diplomatic channel, to Northern Ireland, the Channel Islands and the Isle of Man;
 - (iii) to any territory for the international relations of which the United Kingdom is responsible and to which this Agreement shall have been extended by agreement between the Parties, subject to either Party being able to terminate such extension by giving six months' written notice to the other through the diplomatic channel; and
- (b) in respect of requests from the United Kingdom, to Sweden.

ARTICLE 12**Final Provisions**

(1) Each of the Parties shall notify the other Party as soon as possible in writing through the diplomatic channel of the completion of their respective requirements for entry into force of this Agreement. The Agreement shall enter into force on the first day of the month following the expiration of one calendar month after the date of the latter of these notifications.

(2) It may be terminated by either Party by giving notice to the other Party through the diplomatic channel.

The Agreement shall cease to be effective six months after the date of receipt of such notice.

In witness whereof the undersigned being duly authorised thereto by their respective Governments, have signed this Agreement.

Done at Stockholm this 14th day of December 1989 in duplicate, in the English and Swedish languages, both texts being equally authoritative.

For the Government
of the United Kingdom
of Great Britain
and Northern Ireland:

JOHN URE

For the Government
of the Kingdom
of Sweden:

HANS CORELL
