

# International Legal Assistance in Criminal Matters Act (2000:562)

## Chapter 1. Introductory provisions

**Section 1** This Act contains provisions concerning legal assistance in criminal cases in Sweden and abroad.

This Chapter contains provisions concerning the scope of the Act.

Chapter 2 contains general provisions concerning legal assistance in Sweden. Chapter 3 contains general provisions concerning legal assistance abroad.

Chapter 4 contains special provisions concerning different measures of legal assistance.

Chapter 5 contains provisions concerning conditions regarding limitation on use, immunity, secrecy, sharing of confiscated property between states, reimbursement of costs as well as on implementation and announcement.

### *Scope*

**Section 2** Legal assistance under this Act comprise the following measures:

1. examination in conjunction with preliminary investigation in criminal matters
2. taking of evidence in court
3. hearing by telephone conference
4. hearing by video conference
5. provisional attachment, seizure and search of premises and other measures under Chapter 28 of the Code of Judicial Procedure
6. interception of telecommunications
7. secret camera surveillance
8. transfer of persons deprived of liberty for hearing, etc. and
9. forensic medical examination of the body of a deceased person

The Act does not prevent assistance with another measure than those referred to in the first paragraph if it can be taken without using coercive measure or other coercive means.

There are special provisions relating to transfer, extradition and service. There are also special provisions concerning legal assistance in criminal matters for certain international bodies.

**Section 3** If another state requests legal assistance in Sweden with a measure in legal proceedings relating to the investigation of or prosecution of a natural or legal person for an offence, the assistance requested shall be provided in accordance with the provisions of this Act.

**Section 4** Legal assistance in Sweden is provided by a prosecutor or court, unless otherwise stated in this Act.

**Section 5** Legal assistance in accordance with Section 2 shall also be provided

1. in matters which are being dealt with in administrative proceedings or in other proceedings than criminal proceedings in the requesting state or in Sweden,
2. in matters that relate to damages for improper deprivation of liberty, institution of prosecution or improper final judgment, or
3. in matters dealt with in conjunction with a criminal case.

The first paragraph, item 1, only applies to the extent that it has been agreed under an international agreement that is binding on Sweden.

**Section 6** Legal assistance in accordance with Section 2 shall also be provided in matters concerning pardon, postponement of sentencing or execution of a penalty, conditional release or interruption of execution of penalty or the like.

**Section 7** This Act contains certain provisions providing that a Swedish prosecutor may apply for legal assistance abroad. The Act does not prevent a Swedish prosecutor from applying for legal assistance abroad also in other matters to the extent that the other state so allows.

A Swedish court may only apply for legal assistance abroad in accordance with the provisions in this Act.

## Chapter 2. General provisions concerning legal assistance in Sweden.

### *General prerequisites*

**Section 1** Legal assistance referred to in Chapter 1, Section 2, first paragraph, items 1-7 and 9, shall be provided subject to the prerequisites applicable to a corresponding measure during a Swedish preliminary investigation or trial in accordance with the Code of Judicial Procedure or other statute or enactment and in accordance with special provisions in this Act.

Legal assistance referred to in Chapter 1, Section 2, first paragraph, item 8, is provided in accordance with the special provisions in this Act.

Chapter 5, Section 2 contains provisions whereby legal assistance may be combined with conditions in certain cases.

**Section 2** Legal assistance referred to in Chapter 1, Section 2, first paragraph, items 1- 4 and 8 may be provided even if the act to which the request relates does not correspond to an offense according to Swedish law. Legal assistance referred to in Chapter 1, Section 2, first paragraph, items 5-7 and 9, may only be provided if the act to which the request relates corresponds to an offense according to Swedish law (*dual criminality*), unless otherwise follows from Chapter 4, Section 20 regarding search of premises and seizure.

### *The request*

**Section 3** A request for legal assistance in Sweden under this Act may be made by a foreign prosecutor, investigating judge, another judge or court or by some other person empowered to make such a request according to an international agreement that is binding on Sweden.

**Section 4** A request for legal assistance in Sweden under this Act should contain:

- information about the foreign court or authority that is executing the matter,
- a description of the legal proceedings pending,
- information about the act involved, stating the time and place of the act, together with the provisions that are applicable in the requesting state,
- information about which measure is requested and, when appropriate, in which capacity a person shall be heard,
- name and address of the persons implicated in the matter.

Chapter 4, Sections 8, 11, 14 and 29 contain special provisions concerning what a request further should contain regarding certain kinds of measures.

If the matter is urgent or if execution is desired within a specific time limit, this, together with the reasons for the urgency or time limit, shall be stated.

A request for legal assistance shall be made in writing by post, messenger or telefax. The request may also, upon agreement in the particular case, be sent in another manner.

**Section 5** A request for legal assistance and enclosed documents shall be written in Swedish, Danish or Norwegian or be accompanied by a translation into one of these languages, unless the instance responsible for executing the request under this Act so allows in the particular case.

**Section 6** A request for legal assistance in Sweden under this Act shall be sent to the Ministry of Justice, which will pass the request on to the Prosecutor-General or to the competent court unless the request shall be considered by the Government. The Ministry of Justice may, following consultation with the Prosecutor-General, pass the matter on directly to a competent prosecutor.

A request from a state that is a Member of the European Union or from Norway or Iceland may be made directly to a competent prosecutor or court. This also applies if it in an international agreement that is binding on Sweden has been agreed that a request may be made directly.

*Competence and transfer to another prosecutor or district court*

**Section 7** A request that according to this Act is to be executed by a court shall be executed by the district court within whose area the requested measure shall be taken unless otherwise prescribed by this Act.

A request that according to this Act is to be executed by a prosecutor shall be executed by the prosecutor within whose area the requested measure shall be taken or the prosecutor assigned by the Prosecutor-General.

A prosecutor who is competent to execute one of several requested measures may also, if it is appropriate, execute other requested measures that another prosecutor is competent to take.

If the prosecutor or the district court is not competent to execute the request, the request shall be transferred to a competent prosecutor or district court. The request may also, following consultation, be transferred in other cases, if this is appropriate.

*Notifications*

**Section 8** If the foreign authority so requests, the prosecutor or district court that is handling the matter shall acknowledge receipt of the request, unless the measure requested can be taken immediately.

If a measure requested can not be taken within the time limit stated in the request and if it can be assumed that this will impair the proceedings in the requesting state, the prosecutor or the district court that is handling the matter shall, promptly, notify the foreign authority of when it will be possible to take the measure requested.

*Incomplete requests and impediments to execution*

**Section 9** If the request does not contain the information necessary for the matter to be executed, the requesting state shall be given an opportunity to supplement the request. If the request can only be granted partially or subject to certain conditions, the requesting state shall be notified about the impediments that exist and be given an opportunity to express its views or to supplement or amend the request.

*The procedure*

**Section 10** Requests for legal assistance shall be executed promptly. Unless otherwise prescribed by this Act, the same procedure shall be applied as is applied when a corresponding measure is taken in connection with a Swedish preliminary investigation or trial. A court may decide that the matter shall be executed completely or partially in a foreign language, if this is appropriate.

**Section 11** If the request contains a request of a particular procedure, this shall be applied, if it does not conflict with the fundamental principles of the Swedish legal system.

**Section 12** A person who shall be heard or otherwise satisfy something according to this Act is entitled to refuse, if there is a basis for so doing under Swedish law or under the law of the requesting state.

*Public defence counsel, counsel for aggrieved person and supporting person*

**Section 13** A suspect, accused or aggrieved person who shall be heard according to this Act, or who is otherwise adversely affected by a measure requested, has the same right to a public defence counsel, counsel for aggrieved person or supporting person as in the case of a Swedish preliminary investigation or trial.

Chapter 4, Section 3 contains special provisions concerning public defence counsels.

### *Consideration of requests and decisions on refusals*

**Section 14** A request for legal assistance shall be refused if execution of the request would violate Sweden's sovereignty, involve a risk to national security or conflict with Swedish general principles of law or other essential interests.

A request for legal assistance may also be refused if

1. the act is in the nature of a political offence,
2. the act comprises a military offence, unless the act also corresponds to another offence under Swedish law that is not a military offence,
3. a judgment or decision on waiver of prosecution concerning the act has been issued in Sweden, or
4. the circumstances are otherwise such that the request should not be granted.

The second paragraph does not apply if a refusal would conflict with an international agreement that applies between Sweden and the requesting state. The second paragraph, item 1, does not apply to a request from a state that is a Member of the European Union or from Norway or Iceland.

**Section 15** Decisions on refusals on any of the grounds stated in Section 14 are made by the Government. If a prosecutor or a court considers that a request should be refused on any such ground, the request shall be transferred to the Government. A request may also be transferred to the Government for determination of a refusal in other cases.

Otherwise, the instance that deals with the matter considers and decides whether the prerequisites and conditions applicable under the Act are satisfied. If the request has been submitted to the Ministry of Justice and it is manifest that the request should be refused, the Minister of Justice may directly decide to refuse the request instead of passing it on in accordance with Section 6.

**Section 16** A decision to refuse a request completely or in part shall explain the reasons that determined the outcome.

### *Reporting back*

**Section 17** When the processing of the matter has been concluded, it shall be reported to the Ministry of Justice for passing on to the requesting state. If the request has been made directly in accordance with Section 6, second paragraph, the matter shall instead be reported directly to the authority in the requesting state that made the request.

## Chapter 3. General provisions concerning legal assistance abroad

**Section 1** The provisions of Chapter 2, Section 4, first and third paragraphs, shall be applied when legal assistance is requested abroad unless otherwise follows from an international agreement that is binding on Sweden or from requirements of the receiving state.

Chapter 4, Section 9, 10 and 13 contains special provisions concerning what a request for a hearing by telephone conference or video conference shall contain.

**Section 2** A request from a Swedish prosecutor or court that a measure that is referred to in this Act shall be taken abroad shall be sent to the Ministry of Justice to be passed on to the foreign state.

A request for legal assistance in Denmark, Finland, Iceland or Norway shall be sent directly to the competent authority. The request may also be sent directly to the competent authority in another state if it has been agreed in an international agreement that is binding on Sweden or if that state otherwise allows this.

**Section 3** Chapter 5, Section 1 contains provisions on what shall apply in the event of legal assistance provided to Sweden being combined with conditions.

## Chapter 4. Special provisions concerning different measures of legal assistance

### **Examination in conjunction with preliminary investigation**

**Section 1** A request for hearing in Sweden in accordance with the provisions relating to preliminary investigations in criminal matters is executed by a prosecutor.

Representatives for the requesting authority may participate at the hearing and may, with the permission of the prosecutor, present questions directly to the person being heard.

### **Taking of evidence in courts**

#### *Taking of evidence in Swedish courts*

**Section 2** A request for taking of evidence in a Swedish court that involves holding a hearing, the production of written evidence or the conduct of a viewing is executed by a district court.

The matter shall be regarded as a taking of evidence outside a main hearing. The parties shall be notified of the time and place for the taking of evidence but only need to be summoned if the party shall be heard or otherwise satisfy something at the taking of evidence.

**Section 3** At a taking of evidence a public defence counsel may be appointed in accordance with Chapter 21 of the Code of Judicial Procedure for the suspect or the accused also in other cases than those referred to in Chapter 2, Section 13, if there are special reasons.

**Section 4** A judge at the foreign court or representative for the authority that requested the taking of evidence may participate at the taking of evidence and may, with the permission of the court, present questions directly to the person being heard.

**Section 5** If the requesting state has presented a request for this, a Swedish prosecutor may participate at the taking of evidence for the purpose of protecting the interests of the requesting state.

#### *Taking of evidence in foreign courts*

**Section 6** In a case or a matter at a Swedish court, the court may decide that evidence shall be taken in a foreign court. Such taking of evidence may relate to conduct of a viewing, written evidence or hearing of a witness, expert, party, the aggrieved person or the person referred to in Chapter 36, Section 1, second and third paragraphs of the Code of Judicial Procedure.

**Section 7** If measures referred to in Chapter 23, Sections 13-15, of the Code of Judicial Procedure shall be taken in a foreign court and the foreign state requires that the request first shall be considered by a court in Sweden, a district court may at the request of a prosecutor decide that such measures shall be taken abroad.

### **Hearing by telephone conference**

#### *Hearing by telephone conference with a person who is in Sweden*

**Section 8** A foreign authority may hold a hearing by telephone conference with a person who is in Sweden and consents to the hearing.

If the foreign authority needs the assistance of a Swedish prosecutor or court in connection with the hearing, the authority may apply for legal assistance with a hearing by telephone conference. Such a request for legal assistance in connection with a trial is executed by a district court. A request for legal assistance with a hearing by telephone conference during the preliminary investigation is executed by a prosecutor. The request shall indicate that the party to be heard consents to a hearing by telephone conference.

The date and time for the hearing referred to in the second paragraph and other practical issues associated with the hearing shall be decided in consultation with the authority in the requesting state. The person who shall be heard shall be notified of the time and place for the hearing. The identity and the consent to the hearing by telephone conference shall also be verified. Section 11 first paragraph shall be applied at the hearing if the requesting state so requests. If so, Section 12 shall also apply.

#### *Hearing by telephone conference with a person who is abroad*

**Section 9** The provisions of Chapter 46, Section 7, second paragraph of the Code of Judicial Procedure concerning hearing by telephone at main hearings may be applied when the person to be heard is abroad if the foreign state so allows.

If the other state requires that its authorities shall give assistance at the hearing, a Swedish court shall apply for legal assistance with the hearing by telephone conference.

If a Swedish court needs assistance of a foreign authority with a hearing by telephone conference, the court may apply for legal assistance in connection with a hearing by telephone conference if it has been agreed under an international agreement that is binding on Sweden or if that state otherwise gives such assistance.

The request shall indicate that the person to be heard consents to the hearing by telephone conference.

**Section 10** The prosecutor may hold a hearing by telephone conference during a preliminary investigation with a person who is abroad, if the foreign state so allows.

The provisions in Section 9, second to fourth paragraph also apply when a Swedish prosecutor applies for legal assistance.

#### **Hearing by video conference**

##### *Video conference with a person who is in Sweden*

**Section 11** A request for legal assistance with a hearing by a video conference in a trial with a person who is in Sweden shall be executed by the district court that has the technical means required for such a hearing. The request shall indicate that the person to be heard consents to a hearing by video conference. When processing the matter at the district court, the matter shall be regarded as a taking of evidence outside a main hearing. The parties shall be notified of the time and place for the taking of evidence but do not need to be summonsed unless he or she shall be heard or otherwise satisfy anything at the taking of evidence. If needed, the court may decide on the assistance of an interpreter.

A request for legal assistance with a hearing by video conference during a preliminary investigation is executed by a prosecutor.

**Section 12** A witness or expert, who shall be heard by a video conference in accordance with Section 11 may be accompanied by a suitable person as personal support (supporting person) during the hearing.

If the person to be heard so requests or if there is other cause to do so, the district court may appoint a person to assist the person to be heard in accordance with the first paragraph. As regards the counsel, Sections 26, 27, 29, 43 and 47 of the Legal Aid Act (1996:1619) apply. Otherwise, the rules of the Code of Judicial Procedure on assistance by counsel apply.

##### *Video conference with a person who is abroad*

**Section 13** In a case or matter at a Swedish court, the court may, provided that a video conference in a trial is allowed according to Swedish law, apply for legal assistance with a hearing at a foreign authority by video conference of a person who is in another state, if the provision of such legal assistance has been agreed in an international agreement that is binding on Sweden or if the foreign state otherwise provides such assistance. The request shall indicate that the person being heard consents to a hearing by video conference.

A prosecutor may apply for legal assistance by a foreign authority with a hearing by video conference during the preliminary investigation of a person who is in another state, if the provision of such legal assistance has been agreed under an international agreement with the other state or if the other state otherwise allows it.

## **Provisional attachment, seizure and search of premises and other measures under Chapter 28 of the Code of Judicial Procedure**

### *The request and procedure*

**Section 14** If judgment has been issued in the foreign state, a copy of the judgment shall be annexed to the request for provisional attachment or seizure. A request for seizure as referred to in Section 23 should, when appropriate, contain information about when prosecution will be instituted or a judgment can be issued in the requesting state.

**Section 15** A request for provisional attachment in Sweden is executed by a prosecutor. The prosecutor shall immediately consider whether the prerequisites of the measure exist and in such case hand over the request to the court for a decision.

**Section 16** A request for seizure in Sweden, or for search of premises in Sweden to search for property that is subject to seizure, is executed by a prosecutor.

Seizures implemented shall be promptly notified to the court for consideration. The court shall, as soon as it can take place, hold a hearing on the matter. The provisions of Chapter 24, Section 17, second paragraph of the Code of Judicial Procedure shall be applied at the hearing.

**Section 17** Representatives for the requesting authority may participate at the hearing and may, with the permission of the court, present questions to the person affected by the measure.

**Section 18** A request that other measures under Chapter 28 of the Code of Judicial Procedure than referred to in Section 16 shall be taken in Sweden is dealt with by a prosecutor.

### *Seizure and transfer of seized property to another state*

**Section 19** Property may be seized and transferred to the requesting state if the property may reasonably be assumed:

- to be of importance for the investigation of the act
- to have been deprived from someone by an offence, or
- to be confiscated by reason of an offence, if the property could have been confiscated under Swedish law in a trial in Sweden and there are special reasons to transfer the property to the requesting state.

**Section 20** If the act to which the request relates does not correspond to an offence according to Swedish law, a search of premises in accordance with Section 16 may be made and property seized and transferred to the requesting state, provided that the request has been made by a state that is a Member of the European Union or by Norway or Iceland and that imprisonment may be imposed for the act in the requesting state.

In a case of legal assistance as referred to in Chapter 1, Section 5, first paragraph, item 1, a search of premises may be conducted and property may be seized and transferred to the requesting state if the act corresponds to an offence for which imprisonment of six months or more is laid down by Swedish law or by the law of the requesting state. What has just been said does not apply if the first paragraph is applicable.

**Section 21** The court shall consider whether the seizure is lawfully founded and whether the property shall be transferred to the requesting state.

**Section 22** Decisions to transfer seized property to another state are executed by the prosecutor.

*Seizure and provisional attachment to secure enforcement in Sweden of a foreign confiscation*

**Section 23** If confiscation that is decided in another state can be enforced in Sweden, and it can reasonably be anticipated that enforcement in Sweden of the foreign confiscation decision would otherwise be made more difficult,

1. property that has been confiscated or that can reasonably be assumed to be confiscated as a result of an offence may be seized, or
2. a decision on provisional attachment may be made for so much of the assets of the person concerned as correspond to the value of that which has been confiscated or reasonably may be assumed to be confiscated.

**Section 24** When the court decides on provisional attachment or confirms a seizure executed, the court shall decide how long the measure may continue at most. The time determined may be extended if there is reason to do so.

If there is no longer reason for provisional attachment or seizure, the court shall revoke the measure. Before the provisional attachment or seizure is revoked, the court shall give the requesting state an opportunity to express its views, unless this is manifestly unnecessary. In other matters, the measures shall remain in force until such time as a request for execution is considered.

### **Interception of telecommunications**

*Secret wire tapping and secret telecommunications surveillance of a person who is in Sweden*

**Section 25** A request for secret wire tapping or secret telecommunications surveillance of a person who is in Sweden is executed by a prosecutor. The prosecutor shall immediately consider whether the prerequisites for the measure exist and in such case apply for the permission of the court for the measure.

*Secret wire tapping and secret telecommunications surveillance of a person who is abroad*

**Section 26** If secret wire tapping or secret telecommunications surveillance shall take place of a person who is in another state and the other state requires that the request first be considered by a court in Sweden, the district court may on the request of a Swedish prosecutor decide to allow secret wire tapping or secret telecommunications surveillance.

### **Secret camera surveillance**

*Secret camera surveillance of a person who is in Sweden*

**Section 27** A request for secret camera surveillance of a person who is in Sweden is executed by a prosecutor. The prosecutor shall immediately consider whether the prerequisites for the measure exist and in such case apply for the permission of the court.

*Secret camera surveillance of a person who is abroad*

**Section 28** If secret camera surveillance shall take place of a person who is in another state and the other state requires that the request first be considered by a court in Sweden, a district court may on the request of a Swedish prosecutor decide to allow secret camera surveillance.

### **Transfer of persons deprived of liberty for hearings, etc.**

*Transfer from or to Sweden at the request of another state*

**Section 29** Upon application by another state, for a hearing or confrontation in conjunction with a preliminary investigation or trial there,

1. a person who is deprived of liberty in Sweden may be transferred to the other state, if the hearing relates to something other than the personal criminality of the person deprived of liberty, or
2. a person who is deprived of liberty in the other state may be transferred to Sweden.

A request under the first paragraph, item 1, shall indicate the length of time that the person deprived of liberty needs to stay in the other state.

**Section 30** The request is considered by the Government. A request from a state that is a Member of the European Union or from Iceland or Norway is considered by a prosecutor.

A request under Section 29, first paragraph, item 1, may be refused if a transfer means that the period for the deprivation of liberty is extended or if the attendance of the person deprived of liberty is needed in a criminal matter that is being dealt with in Sweden.

If a request under Section 29, first paragraph, item 1, is granted, the decision shall indicate when the person deprived of liberty shall be returned to Sweden at the latest or, in appropriate cases, be released.

*Transfer from or to Sweden at the request of a Swedish prosecutor or court*

**Section 31** A Swedish prosecutor or court may request that, for the purpose of a hearing or confrontation in conjunction with a preliminary investigation or trial in Sweden,

1. a person who is deprived of liberty in Sweden be transferred to the other state, or
2. a person who is deprived of liberty in the other state be transferred to Sweden.

*Expression of views*

**Section 32** Before considering a request that a person deprived of liberty shall be transferred to another state, views shall be obtained from the authority responsible for the enforcement of the detention unless it is manifest that this is unnecessary. The same applies before such a request is made by a Swedish court or prosecutor.

*Transport through Sweden*

**Section 33** The Minister of Justice may grant permission for transport through Sweden for a person deprived of liberty who will be transferred over from one state to another state for hearing or confrontation.

*Custody in Sweden of transferred persons*

**Section 34** A person who is transferred to Sweden shall be taken into custody by a police authority.

If permission has been granted in accordance with Section 30, the police authority may if necessary, take the person being transferred into custody.

*Forensic medical examination of the body of a deceased person*

**Section 35** An application for a forensic medical examination in Sweden of the body of a deceased person is dealt with under the provisions of the Act on Autopsies, etc (1995:832).

Judges of the foreign court and representatives of the parties may be present at the examination.

## Chapter 5. Other provisions

*Conditions regarding limitation on use, etc.*

**Section 1** If a Swedish authority has received information or evidence from another state in accordance with an international agreement that is binding on Sweden and which contains conditions that restrict the possibility to use the information or evidence in connection with the investigation of an offence or in legal proceedings by reason of an offence, Swedish authorities shall comply with the conditions notwithstanding what is otherwise prescribed by statute or other enactment.

**Section 2** Legal assistance that is provided in accordance with this Act may be combined with conditions called for having regard to the rights of the individual or which are necessary from the public viewpoint.

Conditions referred to in the first paragraph may not be imposed if they violate an international agreement that is binding on Sweden.

**Section 3** The prosecutor or court who provided legal assistance to another state and in that connection imposed conditions in accordance with Section 2, may at the request of an authority in the other state grant exceptions to the condition. The same applies as regards conditions that apply directly by virtue of provisions in an international agreement that is binding on Sweden.

**Section 4** The provisions of Sections 1-3 also apply as regards agreements with international organizations.

#### *Immunity*

**Section 5** To the extent that it has been agreed under an international agreement that is binding on Sweden, a person who upon summons in accordance with the agreement has entered Sweden in order to be heard or in another way participate in the investigation of an offence may not:

1. be prosecuted or deprived of his or her liberty or in another way subjected to restrictions to liberty by reason of an act, omission or judgment that relates to the time prior to the entry into Sweden and which, as regards a suspect or accused, is not referred to in the request or summons, or
2. without personal consent be ordered to participate in any investigation than that referred to in the request.

The first paragraph also applies to administrative or other procedures as referred to in Chapter 1, Sections 5 and 6.

**Section 6** If the person referred to in Section 5 stays in Sweden for more than fifteen days from when notification was obtained from the authority that summonsed the person that attendance is no longer required, the immunity ceases. This also applies if he or she returns to Sweden after having left Sweden.

**Section 7** If the agreement contains a provision that immunity shall be less extensive than stated in Sections 5 and 6, that provision applies instead.

**Section 8** To the extent that it has been agreed under an international agreement that is binding on Sweden, the provisions in Section 5 to 7 concerning immunity apply also to a person deprived of liberty who has been transferred to Sweden in accordance with Chapter 4, Sections 29 or 31.

#### *Secrecy*

**Section 9** Access to information in matters concerning legal assistance is restricted according to the Secrecy Act (1980:100).

#### *Exemption from banking secrecy*

##### **Section 10**

A person who is under an obligation to observe secrecy according to Chapter 1, Section 10, first paragraph of the Banking Business Act (1987:617), Chapter 1, Section 8, first paragraph of the Securities Business Act (1991:981), Chapter 1, Section 5 of the Financing Operations Act (1992:1610) or Chapter 2 Section 19 first paragraph of the Act on Investment Funds (2004:46) may nonetheless provide information in matters concerning legal assistance relating to examination in conjunction with preliminary investigations in criminal matters or search of premises and seizure.

#### *Sharing of confiscated property between states*

**Section 11** The Government may decide that property or its value that is confiscated by a Swedish order that has entered into final legal force shall completely or partially be transferred to another state that during the preliminary investigation or trial has provided Sweden with such legal assistance as is referred to in this Act or that in another way has provided information or support that has been of significance for investigating the offence.

Section 36 of the Act on International Co-operation in the Enforcement of Criminal Judgments (1972:260) includes provisions on the transfer to another state of confiscated property.

#### *Reimbursement of costs*

**Section 12** The Government shall issue rules that particular costs for measures that have been executed according to this Act, may be recovered from the requesting state.

#### *Rules on implementation and announcement*

**Section 13** The Government shall issue more detailed rules on the implementation of this Act and will announce the international agreements that are referred to in this Act.

