

SWEDEN*			
COMPETITION FRAMEWORK			
Competition Law	The Swedish Competition Act was enacted on November 1, 2008.		
Competition Authority	The Swedish Competition Authority ("SCA"), Konkursverket, started functioning in 1992, when it replaced previous authorities named the State Price and Competition Authority and the Office of the Competition Ombudsman. Website: http://www.kkv.se/default_218.aspx		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive.
		Other obligations/comments: The Ministry of Enterprise, Energy and Communications delivers an annual government appropriation directive regarding the budget for the SCA, which also contains goals and reporting requirements for that budget year.	
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		√	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		√	Its activities are monitored by an independent auditor or by oversight committees.
		Other obligations/comments: The SCA has no specific obligations before the legislature in terms of its competition law functions. However, the Ombudsman for Justice, which is an office appointed by the parliament, has oversight and investigative powers over public authorities in Sweden in terms of their compliance with administrative laws and regulations such as the Administrative Procedure Act. Also, the National Audit Office performs audits in respect of performance and management of resources both on an ongoing and ad-hoc basis.	
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: The SCA acts as a prosecuting authority before the courts, rather than as a decision-making authority.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	No	There are no explicit guidelines for the appointment and removal of the director-general. These actions are done at the prerogative of the government. The rest of the staff is appointed by the SCA.	
Does the executive have powers to decide on specific cases based on public interest?	No		
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes		
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes		
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No		
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman		
Does a minister appoint the heads?	Yes		
Do representatives of more than one government branch appoint the heads?	No		
Is there a fixed period during which removal is prohibited?	No	The director-general is appointed for a fixed term of six years, with the possibility of renewal for three years. However the government has the prerogative to remove the director-general.	
Is the tenure of the heads renewable?	Yes	The tenure of the director-general is renewable for a further three years beyond the fixed term of six years.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	No		
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part	Stand-alone agency	The SCA is an independent governmental body, although its budget and goals are set by the Ministry of Enterprise.	

of a bigger entity such as a minister?		It is located on 103 85 Stockholm.	
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	The Post and Telecom Authority	It is the regulatory body for electronic communications under the Electronic Communications Act (2003) and the Electronic Communications Regulations (2003). According to the Regulations, the Post and Telecom Authority has the authority to define and analyze relevant markets for electronic communications and identify enterprises with a significant market effect within defined markets. Under the Regulation, however, it must request written opinions from the SCA in each of those issues. The two authorities are obliged by the Regulation to provide each other with such information as is necessary for the authorities to fulfill their duties.	
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Telecommunications regulator	No. However, in accordance with the Electronic Communications Regulations, the Post and Telecom Authority, when making an analysis of relevant markets and decisions regarding actors that have a significant market effect in relation to electronic communications, shall request a written opinion from the SCA according to legislation and regulations.	
	Energy regulator	No	
	Transport regulator	No	
	Other	Several authorities, committees and investigators have an obligation of consultation with the SCA in accordance with instructions, government ordinances or directives, e.g. the Post and Telecom Agency. The SCA also has a cooperation agreement with the Swedish Consumer Agency, with the aim of further developing and supporting cooperation for the benefit of consumers. In relation to the re-regulation of the pharmacy market, the SCA has taken part in cooperation meetings with the Swedish Agency for Public Management.	
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: Public procurement.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	See Competition Act, Chapter 2, section 1.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See Competition Act, section 3.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See Competition Act, section 7.	
Does the Competition Authority have powers to accept leniency applications?	Yes	See Competition Act, Chapter 3, section 12.	
Does the Competition Authority have powers to seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	The opinions are not binding.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	There is no prescribed obligation to request the opinion of the SCA when drafting legislation that may impact competition, however this sort of consultation is commonplace in such a situation.	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	√	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes		
Can the Competition Authority report to the legislature on the results of market studies?	Yes	Although there is no specific provision for reporting directly to the legislature on the results of market studies, the SCA describes proposals for improvement measures in reports, responses to official consultations and official communications to the Government. Also, the SCA may be assigned by the Government or other	

		authorities or committees to carry out studies.
DECISION-MAKING FUNCTIONS		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes	
Does the Competition Authority make guilty findings?	Yes	
Does the Competition Authority impose punishments?	Yes	
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes	<i>See</i> Competition Act, Chapter 5.
Can the Competition Authority's decisions be appealed to a court?	Yes	
Disaggregated Functions—Prosecutorial Model		
Are there different authorities that make the decision to investigate and to prosecute cases?	No	
Are disputes presented for decision to a separate entity/tribunal?	No	
* Data based on public sources.		