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**Competition and Corruption in Public Procurement – Note by Sweden**

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## Sweden

### 1. Introduction

1. This contribution describes the Swedish Competition Authority's (SCA) work related to the intersection between corruption, competition and public procurement.
2. It describes the SCA's dual mandate as competition authority and supervisory authority for public procurement, and the close relationship between its remit and corruption. It explores the broad definition of corruption used within public administration in Sweden, and how corruption distorts competition.
3. The contribution furthermore explains how corruption is taken into account in the SCA's prioritisation of cases within the fields of competition and public procurement law, and describes the types of indications of corruption that have arisen through tip-offs and complaints to the authority.
4. The contribution describes cooperation with law enforcement authorities and other bodies in the course of supervisory work and in initiatives to raise awareness of and combat corruption in public procurement. Finally, it looks specifically at the importance of procurement data for the detection of competition law infringements and corruption.

### 2. The SCA's remit

5. In addition to its role in the field of competition, the SCA is also the supervisory authority for public procurement.<sup>1</sup>
6. The SCA's supervision of the public procurement rules is exercised through investigations that can result in procurement fines or supervisory decisions. Procurement fines are sanctions that procuring organisations may be required to pay if they are found guilty of an illegal direct award of contracts. Where a procuring organisation has committed a breach of procurement law, the SCA may also draw attention to, and where necessary, criticise the conduct in a supervisory decision. Supervisory decisions also have the purpose of providing guidance to other procuring organisations.
7. Although efforts to combat corruption are not explicitly mentioned in the authority's remit, the SCA considers that this work is closely linked to the authority's core mission, since corruption distorts competition and can enable or facilitate conduct that breaches both competition and procurement rules. In addition, breaches of documentation requirements in procurement procedures make it more difficult to uncover corruption. Over the years, the SCA has therefore worked to address the question of unfair competition and corruption in public procurement through awareness-raising and cooperation with relevant authorities and in the course of its enforcement work.

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<sup>1</sup> The SCA is also the supervisory authority for the Act on Unfair Trading Practices in the Food Supply Chain.

### 3. Definition of corruption

8. A broad definition of the concept of corruption has been adopted by government and public authorities in work to combat corruption in public administration. This definition encompasses both criminal and unethical acts and involves “exploiting a public position to obtain undue gain for oneself or others”.<sup>2</sup>

9. In its work, the SCA has also adopted a broad definition of the concept of corruption that encompasses both criminal acts, such as the giving and receiving of bribes, and non-criminal acts, which may occur in both the public and private sectors. This definition is in line with Transparency International’s definition of corruption – “the abuse of entrusted power for private gain” – which targets conduct in both the public and private sectors.<sup>3</sup>

10. Criminal offences include the giving and taking of bribes, trading in influence, the negligent financing of bribery and breach of trust.<sup>4</sup> In addition, corruption may involve conduct that contravenes other rules without being criminalised, such as the Administrative Procedure Act, the Local Government Act, the Public Employment Act or the procurement rules. This may include various forms of favouritism and failure to treat parties equally, including situations of conflict of interest.

11. The SCA has also raised the question of cronyism as a form of corruption, which includes transactions with related parties that undermine trust. An example of this could be a supplier with a connection to an employee of a company or a public authority that takes advantage of this connection in a way that damages trust.

12. A broad definition of corruption is important since, for the purposes of the SCA’s work, the result of different forms of corruption is often the same: competition is distorted, companies’ willingness to invest decreases, and confidence in the economy as a whole is undermined.<sup>5</sup>

### 4. The relationship between competition, procurement and corruption

13. At a general level, it has been established that the link between corruption and competition is two-way. Corruption can undermine competition by excluding efficient companies. Conversely, economies that are less open to competition evidence higher levels of corruption.<sup>6</sup>

14. In its enforcement work, the SCA has noted that corruption can *facilitate, or even enable*, conduct that contravenes competition or public procurement rules. One example

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<sup>2</sup> Government, “Action Plan against Corruption and Undue Influence 2024–2027”, <https://www.regeringen.se/contentassets/7ab5a55b08224588a06699a2b6596090/handlingsplan-mot-korruption-och-otillaten-paverkan-2024-2027.pdf> (in Swedish).

<sup>3</sup> Transparency International, <https://www.transparency.org/en/what-is-corruption>

<sup>4</sup> Swedish Criminal Code, Chapter 10, Sections 5 – 5e.

<sup>5</sup> The Government, Action Plan against Corruption and Undue Influence 2024–2027 <https://www.regeringen.se/contentassets/7ab5a55b08224588a06699a2b6596090/handlingsplan-mot-korruption-och-otillaten-paverkan-2024-2027.pdf> (in Swedish) and the Swedish Competition Authority, Corruption that restricts competition, Report 2018:10 (in Swedish)

<sup>6</sup> OECD (2014) Fighting Corruption and Promoting Competition, Background note by David Lewis (DAF/COMP/GF(2014)1), [https://one.oecd.org/document/DAF/COMP/GF\(2014\)1/en/pdf](https://one.oecd.org/document/DAF/COMP/GF(2014)1/en/pdf)

might be where a friendship between a bidder and a purchaser is exploited to tailor the requirements set out in a procurement process so that they favour the bidder.

15. Secondly, corruption can be used to *conceal* a restriction of competition. One example might be where one of the companies involved in a bid-rigging cartel pays a procurement officer to turn a blind eye when there are signs of a cartel.

16. Thirdly, corruption can *in itself* be a means for companies to restrict competition, rather than resorting to more ‘traditional’ anticompetitive practices. One example might be a dominant firm that pays bribes to its retailers’ employees to make them deal exclusively with the dominant firm, rather than to put exclusivity clauses in the reseller agreements.

17. There may also be situations where corruption is the *only way* to gain a competitive advantage, that is, where more ‘traditional’ procedures are lacking. One example might be a company which, as a result of personal connections, obtains an exclusive right (such as a licence from a public authority) and thereby unfairly gains a monopoly position where free competition would otherwise prevail.

#### 4.1. Procurement as a high-risk area for corruption

18. The SCA’s assessment is that public procurement in Sweden broadly functions well, and that a key strength is the comprehensive and robust procurement law framework. Access to effective remedies is also essential for compliance with the rules. A well-functioning system for public procurement offers an important check on corruption.

19. Nevertheless, the SCA’s work also confirms the view expressed in several international and national studies, and emphasized in the Swedish government’s action plan against corruption, that public procurement is a high-risk area for corruption.<sup>7</sup>

20. One reason is that public procurement contracts can involve very large sums of money and that there are incentives for both employees in the public sector and suppliers to cheat for their own gain, especially if the risk of detection is low. Another reason may be that public procurement involves frequent contact between public officials, who control and allocate public funds, and suppliers competing for contracts. The close contact between the business sector and public officials, particularly local government officials, appears to imply that they are exposed to an increased risk of corruption.<sup>8</sup>

21. Another factor that makes public procurement a high-risk area for corruption is that the public sector is a very large customer for many suppliers, and in some cases crucial to a company’s survival. This means that suppliers may be prepared to take greater risks in order to win public contracts.

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<sup>7</sup> See, for example, the Government, ‘Action Plan against Corruption and Undue Influence 2024–2027,

<https://www.regeringen.se/contentassets/7ab5a55b08224588a06699a2b6596090/handlingsplan-mot-korruption-och-otillaten-paverkan-2024-2027.pdf> (in Swedish), The Swedish Agency for Public Management, New challenges and old problems: On corruption in municipalities and regions, Report 2023:13 (in Swedish), The Swedish Competition Authority, Corruption and unfair competition in public procurement, Report 2020:1 (in Swedish), and the OECD, Preventing Corruption in Public Procurement, 2016, <https://www.oecd.org/gov/ethics/Corruption-Public-Procurement-Brochure.pdf>.

<sup>8</sup> See, for example, the Swedish Competition Authority, *Corruption and Unfair Competition in Public Procurement*, Report 2020:1 (in Swedish) and Catrin Karlsson Westergren, *Corruption convictions and public procurement*, Research report 2019:5 (in Swedish), commissioned by the Swedish Competition Authority.

22. The risk for corruption can increase if a large number of people within an organisation are allowed to make purchases under framework agreements or through direct procurement, as this creates more opportunities for corrupt behaviour.<sup>9</sup>

## 4.2. Sectors at risk of corruption

23. Sectors in which the risk of corruption offences is considered to be particularly high in Sweden include construction and civil engineering, transport, IT and pharmaceuticals.<sup>10</sup> A report prepared for the European Commission has furthermore noted that defence and security procurements are particularly high-risk in the EU.<sup>11</sup> The SCA has also noted that the welfare sector is a significant source of income for organised crime with a direct link to the criminal economy, which can increase the risk for corruption.<sup>12</sup>

24. Based on a recent review of tip-offs received by the SCA, there are indications of suspected corruption across a range of different sectors. An area that stands out to some extent in tip-offs is consultancy services, where there is often a personal connection between the person procuring the service and the supplier. Indications in these cases may typically involve senior figures procuring management and organisational consultancy services or technical consultancy services from associates or from companies where they have previously worked.<sup>13</sup>

25. In sectors where procurements involve complex goods or services, authorities are more reliant on experts. This can make an authority vulnerable to undue influence if it cannot verify the accuracy of the information provided by these experts and the experts' interests are not aligned with those of the authority.<sup>14</sup>

26. The SCA has also received several tips that contained indications of suspected corruption relating to the procurement of medical technology equipment, vehicles and machinery, as well as property-related services.

## 5. How corruption is factored in to the SCA's enforcement

27. The SCA follows a publicly-available prioritisation policy for competition enforcement and procurement supervision. The SCA has no mandate to investigate corruption as such, only suspected breaches of competition and procurement rules.

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<sup>9</sup> Olle Lundin, *Corruption in public procurement*, Research report 2025:5 (in Swedish), commissioned by the Swedish Competition Authority.

<sup>10</sup> See, for example, the Swedish Public Procurement Agency, *Corruption in public procurement – what is it and how can it be prevented?* Guidance No. 4 (2017) and the Swedish Competition Authority, *Cartels and corruption – Unlawful influence on public procurement*, Commissioned Research Report 2009:9 written by the Swedish National Council for Crime Prevention on behalf of the Swedish Competition Authority, p. 43

<sup>11</sup> European Commission: Directorate-General for Migration and Home Affairs, Persson, A., Worth, M. and Jeney, P., *High-risk areas of corruption in the EU – A mapping and in-depth analysis*, Publications Office of the European Union, 2024, <https://data.europa.eu/doi/10.2837/5907939>, p. 89

<sup>12</sup> On assignment from government, the SCA has published a report with proposals to help counteract criminal or disreputable suppliers in systems of choice.

<sup>13</sup> Swedish Competition Authority, *Indications of suspected corruption*, Analysis in Brief 2024:2.

<sup>14</sup> Olle Lundin, *Corruption in public procurement*, Research report 2025:5, commissioned by the Swedish Competition Authority.

However, signs of corruption can come into play in different ways in the prioritisation of investigations within the respective fields.

### 5.1. Prioritisation of competition investigations

28. When choosing between different tip-offs and complaints, harm to competition and consumers is the factor that carries the most weight. As noted above, corruption and other criminal or trust-damaging conduct is detrimental to competition and consumers, and may facilitate and exacerbate breaches of competition rules. In this regard, corruption may implicitly be factored into a prioritisation decision. However, a suspicion of corruption is not an explicit prioritisation factor.

### 5.2. Prioritisation of procurement matters

29. In the area of procurement, priority is given to cases that may have a general preventive effect, lead to a change in behaviour or have a preventive effect in some other way.

30. When prioritising procurement supervision, the SCA takes into account various factors, one of which being whether there are signs of corruption, conflicts of interest or other criminal or trust-damaging conduct. Thus, signs of corruption are explicitly factored in to the prioritisation of cases relating to supervision of the public procurement rules.

## 6. Signs of corruption in conduct reported to and investigated by the SCA

31. The SCA has published two reports looking at indications of corruption in its work in the fields of competition enforcement and procurement supervision.<sup>15</sup> The reports describe, with simplified examples based on real cases, various ways that corruption can be a part of violations of competition and procurement rules. One purpose of these reports was to contribute to a better understanding both within the SCA and among stakeholders of the relevant intersections.

32. As with the focus of the current OECD roundtable, previous studies of the link between corruption and breaches of competition and public procurement rules have mainly focused on corruption in connection with cartels and bid-rigging. However, in its enforcement activities, the SCA has observed that links between corruption and abuse of a dominant position or vertical restrictions may also exist. The SCA's reports note that even competition authorities' merger control could be affected by corruption, in particular if merging parties exert undue influence over customers or competitors to provide misleading information in the authority's investigation.

33. Even though the SCA has found indications of suspected corruption in its work, it is not possible to draw any firm conclusions about how often a suspected infringement of the competition or procurement rules also involves some type of corruption. Not all corruption is visible, and an indication may upon closer scrutiny turn out not to be a case of corruption.

34. Among the tip-offs reviewed by the SCA include indications of suspected corruption that could risk undermining the proper functioning of public procurement

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<sup>15</sup> *Indications of suspected corruption*, Analysis in Brief 2024:2 and *Corruption that restricts competition*, Report 2018:10 (both in Swedish).

procedures. While such alleged conduct can, in a general sense, distort competition, it does not necessarily amount to potential infringements of the competition law prohibitions.

## 7. Evidence sharing with other public authorities

35. The SCA has established contacts with other relevant enforcement authorities to enable the mutual exchange of tip-offs and information concerning competition and bribery offences where possible.

36. The conditions under which public authorities may exchange information that would otherwise be covered by secrecy is governed by provisions in legislation regulating public access to information and secrecy.<sup>16</sup>

37. Legislative amendments were enacted in December 2025 to make the sharing of such information easier for the purpose of, among other things, preventing, impeding, detecting and investigating criminal activity, fraud and regulatory violations.<sup>17</sup> Before disclosing information, a balancing of interests must be carried out. Information may not be disclosed if there are overriding reasons that the interest which the secrecy is intended to protect takes precedence over the interest in disclosing the information.

38. Thus far, there are no examples of cases that have simultaneously been investigated by the SCA under the competition rules and by other public bodies under anti-corruption rules, and as such there are no specific examples of coordination of ongoing investigations.

## 8. Other forms of cooperation to combat corruption

39. In addition to cooperation within the context of law enforcement, the SCA cooperates with various bodies with the purpose of raising awareness of and preventing corruption.

40. The Agency for Financial and Public Management has been assigned by the Swedish government to support anti-corruption work within public administration. In its role it has coordinated an “anti-corruption forum” of seven public authorities including the SCA.

41. The forum of public authorities has presented 32 measures to government to strengthen its ability to prevent corruption. Among these, the forum has put forward the following measures based on proposals by the SCA related to preventing and dealing with corruption in public procurement:<sup>18</sup>

**Table 1. Preventing and dealing with corruption in public procurement**

Needs	Authorities propose:
Increased awareness of corruption among buyers, contracting authorities and	Developing and managing a freely available web-based training programme for a broad target group, including purchasers and contracting authorities, on the topic of countering corruption in public procurement and

<sup>16</sup> Public Access to Information and Secrecy Act (2009:400)

<sup>17</sup> Public Access to Information and Secrecy Act, Chapter 10, Section 15a.

<sup>18</sup> <https://www.statskontoret.se/uppdrag-och-rapporter/rapporter/2025/en-stabilare-grund-for-arbetet-mot-korruption/english-language-summary/>

others.	contract management (proposed together with the Agency for Public Procurement).
Improved tools for exclusion, supervision and monitoring.	Strengthening contract monitoring by contracting organisations. Investigating how the SCA can gain better and more efficient access to procurement data.
Improving information and documentation in public procurement.	Reconsidering the creation of a national public procurement website (proposed together with the Agency for Public Procurement). Investigating the possibility of introducing sanctions in the event of inadequate procurement documentation. Investigating the possibility of imposing sanctions on contracting organisations that fail to publish post-contract notices. Investigating the possibility of imposing sanctions on contracting organisations that fail to advertise changes to awarded contracts and framework agreements.
Managing risks in direct awards and defence materiel purchases.	Evaluating increased direct-award limits from 2022, with a particular focus on their impact on the risk of corruption (proposed together with the Agency for Public Procurement). Analysing the need to increase statutory control of contracting organisations' formulation of guidelines for direct awards of contracts (proposed together with the Agency for Public Procurement). Reviewing certain rules for defence procurement.

## 9. The importance of procurement data for detecting competition infringements and corruption

42. The SCA believes that there are some common strands with respect to the detection of bid-rigging cartels and the detection of corruption in public procurement. In both cases, access to qualitative procurement data is vital to enforcement authorities.

43. The screening of procurement data for the detection of bid-rigging cartels has been discussed at length in the OECD Competition Committee. In a similar way, patterns in procurement data can reveal red flags of corruption. There is indeed an active field of research into the refinement of methods for detecting signs of corruption in procurement data.<sup>19</sup>

44. The SCA has experience of the drawbacks of a lack of availability to procurement data. The authority's work on cartel screening has been significantly hampered owing to the lack of comprehensive procurement data of a sufficient quality. This has also been acknowledged in the OECD's Integrity Review of Sweden, which noted that supervisory authorities such as the SCA do not have sufficient access to procurement data, thus hindering the effective exercise of their supervisory duties.<sup>20</sup>

45. The SCA has therefore proposed that Sweden, in line with certain other EU Member States, should introduce a national procurement database which covers all public

<sup>19</sup> See, for example, Wittberg & Fazekas (2023), Firm performance, imperfect competition, and corruption risks in procurement: evidence from Swedish municipalities, *Public Choice* 197, 227–251, Nieto et al. (2023), Governance Risk Assessment System (GRAS): Advanced Data Analytics for Detecting Fraud, Corruption, and Collusion in Public Expenditures and Poltoratskaia & Fazekas (2023), Data Analytics for Anti-Corruption in Public Procurement.

<sup>20</sup> OECD (2025), OECD Integrity Review of Sweden, OECD Public Governance Reviews, OECD Publishing, Paris, <https://doi.org/10.1787/648d3988-en>.

procurement procedures. The SCA has also raised this issue in the course of the European Commission's consultations on the review of the public procurement directives.<sup>21</sup>

46. The government has tasked the Agency for Financial and Public Management to propose how a national procurement database can be established and how to organise the analysis of purchasing and procurement data. Such data should be made available to the SCA to use in its enforcement. The Agency shall report to the Government in May 2027, with an interim report about the national database in December 2026.

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<sup>21</sup> Swedish Competition Authority, Response to European Commission's public consultation on the review of the Procurement Directives, 26 January 2026, available at [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/15492-EU-public-procurement-rules-revision/F33368574\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/15492-EU-public-procurement-rules-revision/F33368574_en)