

LAW ON PENALTIES FOR THE SMUGGLING OF GOODS (1960:418)

given at the Royal Palace in Stockholm on the 30th day of June 1960

PENALTIES

1

Any person who, without notifying the responsible authority, imports into the Realm or exports from the Realm goods, on which customs duties or other public charges should be paid to the Swedish Government, or which pursuant to

1/ Note by the Secretariat: E/NL.1968/30

provisions laid down in a law or statute are not permitted to be imported or exported, shall, if the action is wilfull, be found guilty of smuggling goods and be sentenced to a fine of at least 10 day-fines */ or to imprisonment for a maximum of 12 months. If the offence involves narcotics as defined under Article 1 of the Narcotics Ordinance of December 14, 1962 (No. 704) 2/ the sentence shall be imprisonment for a maximum of two years.

The first paragraph is also applicable in cases where a person by means of misleading statements or action in connection with customs clearance of goods wilfully contrives to avoid paying customs duties or other public charges to the Swedish Government or to the import or export of goods in contravention of the law.

Should the smuggling of goods as defined in Article 1, first paragraph be judged to be petty in the light of the value of the goods and other circumstances of the offence, the sentence shall be fines of no more than three hundred Swedish kronor.

3

Should the smuggling of goods be judged to be grave, the sentence shall be imprisonment for a maximum of two years or, if the smuggling has involved narcotics, imprisonment for a term of not less than one year and not exceeding six years.

In the judgement of whether the offence is to be regarded as grave, special consideration shall be taken of whether it has been committed professionally or involved goods of great quantity or value or whether the action has otherwise been of a particularly dangerous nature.

*/ In accordance with statutory provisions, fines are imposed in the form of ordinary fines or day-fines. Usually, fines are imposed in the form of day-fines, i.e., the court determines, based upon the gravity of the offence, a fixed number of fine units, from a minimum of one to a maximum of 120, and, at the same time, specifies the amount of each fine unit, based upon the capacity of the offender to pay, from a minimum of 2 to a maximum of 500 crowns. Ordinary fines are normally assessed directly in a lump sum from a minimum of 10 to a maximum of 500 crowns. For certain offences, e.g., incorrect declaration of taxes, ordinary fines are determined by reference to a special computation basis stipulated by law.

2/ Note by the Secretariat: E/NL.1964/26