



Sweden

## Judicial auctions - Sweden

### 1. Publication and price setting for sales of seized assets

Seized property is sold through the Swedish Enforcement Authority (*Kronofogdemyndigheten*). The property is sold at public auction or by private treaty. The sale of movables can be put in the hands of external auctioneers. Real estate can be passed on to estate agents for selling.

The Enforcement Authority can authorise the debtor to sell the property himself. In that event, a deferment of the enforced sale is granted. The debtor can also make an agreement with the creditor to resolve the situation by some other means. The creditor can then halt the seizure (*utmätning*).

The seized property must always be valued by a bailiff. The Enforcement Authority will sometimes get an expert to value the property and draw up a comprehensive description. An expert valuer is regularly used when valuing real estate and tenant-owned housing. But an expert valuer is also often called in when more valuable property is involved.

The Enforcement Authority publicises (gives notice of) enforced sales on its own [website](#). A sale is often also promoted on other websites with a view to attracting prospective buyers. Notice of the sale is also given in [Post- och Inrikes Tidningar](#), which is a web-based news page containing notices from many authorities and municipalities. The purpose of placing notices there is to seek out unknown creditors and others who are affected by the sale.

Information about the sale is given on the Enforcement Authority's website. It includes the estimated value, while a description of the property, pictures and other documents are attached. The terms of sale are stated, as are points a purchaser should be aware of with regard to the sale. If the Enforcement Authority gets anyone else to handle the sale, the relevant information can be found on that person's website. The information is also often to be found on the Enforcement Authority's website.

The Enforcement Authority always arranges a viewing of the property to be sold. This is so that the purchaser can discharge its duty to obtain the information it needs.

An enforced sale is run in such a way as to seek the highest bid. If there are a number of bidders, the matter is decided by a process of bidding and counterbidding. If the authority decides instead to go for a sale by private treaty with submission of offers, the question of who has submitted the highest bid is determined when the bids are opened.

If the sale is conducted by electronic auction, whoever has won the bidding must make payment within 48 hours. Payment is then usually made by payment card or bank card. When the sale is made by traditional on-site auction, payment must be made directly at the auction, by payment card or bank card, postal order or cheque or in cash.

Where a property is sold for more than SEK 10 000, the Enforcement Authority allows a grace period of up to a month for payment to be made. A deposit of 10 % must always be paid straight away.

### 2. Third parties entitled to conduct a sale

Sales of seized property are generally carried out by public auction held by the Enforcement Authority. The Authority may hand sales over to external interests. In the case of movables, the Authority can commission someone else to hold an auction. As regards real estate, the Authority may engage an estate agent to carry out the sale.

### 3. Types of auctions to which the rules may not be applicable in full

Sales are divided into four different categories: movables, ships, aircraft and real estate. To some extent there are different rules for the different categories. Details of which rules apply are posted together with the notice of sale. Certain special provisions apply to sales at the request of a housing cooperative where the right of use is forfeited, i.e. compulsory sales.

### 4. Information concerning national registers of assets.

In its investigation into assets, the Enforcement Authority has the right to search various registers or put questions to them, e.g.:

- The Land Register (*Fastighetsregistret*); includes all real estate in Sweden
- The Road Traffic Register (*Vägtrafikregistret*); all registered civilian vehicles in Sweden
- The Tax Register (*Skattregistret*); information concerning disbursements
- The Social Insurance Agency (*Försäkringskassan*); information concerning disbursements
- The Pensions Agency (*Pensionsmyndigheten*); information concerning disbursements.
- The Business Register (*Näringslivsregistret*); data on all Swedish limited liability companies, partnerships, cooperative societies, including housing cooperatives, and private companies
- The Securities Register (*Värdepappersregistret*); managed by Euroclear and containing data on the holdings of all listed stocks
- The Shipping Register (*Fartygsregistret*); information concerning all Swedish ships
- The Aircraft Register (*Luftfartygsregistret*); information concerning all Swedish aircraft
- The Arms Register (*Vapenregistret*); possession of firearms.

The Registers are kept electronically and the Enforcement Authority is able to submit queries to most of them in electronic form. If the data in a register is confidential, the Enforcement Authority can still demand to be given it so that it can investigate whether a debtor has any attachable assets. There is usually no charge when the authority asks such questions.

Some registers also record when the Enforcement Authority lays claim to a property, e.g. the Land Register, the Shipping Register and the Aircraft Register.

## 5. Information about databases which enable creditors to identify debtors' assets or debts

The Enforcement Authority cannot currently offer searchers any e-service with which to identify debtors' assets or debts.

## 6. Information about public auctions on line

The Enforcement Authority has since 2014 been able to conduct electronic auctions, known as on-line auctions. This can only be done for sales of movable property. The provision allowing for the conduct of electronic auctions is in Chapter 9 of the [Debt Enforcement Ordinance](#) laying down how bids are to be submitted.

In a report submitted to Government in November 2016, it is proposed that it should also be possible to sell real estate by electronic auction. The procedure in the event of a real estate sale is more complicated and requires more legislative amendments than in the case of movables to allow for electronic auction.

At present there is nothing to prevent participation in an on-line auction from abroad.

Notice of all on-line auctions is published on the Enforcement Authority's [website](#).

If a sale is conducted through an external auctioneer, notice of the on-line auction is given on its website. In its brief, an external auctioneer must be instructed to follow the rules on sales in Chapter 9 of the [Debt Enforcement Code](#) and Chapter 9 of the [Debt Enforcement Ordinance](#). Contracts with external auctioneers are usually the result of a public procurement procedure. They include requirements relating to the service provider's financial position and professional qualifications.

Anyone wishing to take part in an on-line auction must register on the website to be able to submit a bid. All bidding, however, is public and can be followed without first registering. The information to be provided when registering includes personal identity number, e-mail address, postal address, telephone number and an alias which is used when bids are published. Bidders are not required to prove their identity. Bidders who do not have a Swedish personal identity number or who for some other reason do not wish or are not able to register on line may register manually.

The purchase price in an on-line auction is paid using a payment card or bank card.

It is not possible to take part in an on-line auction by participating on the spot in the authority's premises.

Bidding is by bid and counterbid up to a given time. If a bid is made when less than two minutes are left, the time is extended by a further two minutes.

The Enforcement Authority replies to questions by telephone or e-mail, but it may be difficult to get a reply when the auction has only a short time left to run. The Authority replies in Swedish but must also be able to give basic information in the national minority

languages and give information and guidance to certain minority groups in special management areas. Help can often be given with questions in other languages.

The Enforcement Authority translates documents relating to the sale only in exceptional circumstances, e.g. where it is obvious that there is a wide circle of clients abroad.

Under the public access principle a great deal of information held by Swedish authorities is public. However, information as to who is behind the bidding in an ongoing auction is not divulged. There may also be a confidentiality requirement with regard to certain sensitive pieces of information, but the question is examined individually in every case if someone requests the information.

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