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Interest rates

Sweden

### 1 Is "statutory interest" provided for in the Member State? If so, how is "statutory interest" defined in this Member State?

Rules on interest are laid down in the Interest Act (*räntelagen*, 1975:635). These rules apply except where otherwise provided by contract, promise or other specific enactment. The Act does, however, declare some contractual terms null and void.

### 2 If yes, what is the amount/rate and legal basis for it? If different rates of statutory interest are provided for, what circumstances and conditions apply?

#### Claims for refund

Where a claim is made for the refund of a payment, for example on grounds of breach of contract, the interest rate is the reference rate (which in February 2016 was 0 %) plus two percentage points. Interest is payable from the date when the payment was made, up to and including the date of repayment, or, if the repayment is not made in good time, up to and including the date from which interest becomes payable under the rules on outstanding claims.

#### Outstanding claims

On outstanding claims interest is payable at the reference rate (0 % in February 2016) plus eight percentage points. The following general rules apply.

(a) Where the due date was determined in advance, interest is payable on the claim from that date.

(b) Where the claim is based on a person's duty to account for money that he or she has received from a principal or from a third party, interest is payable from the date on which the account is rendered, or, if no account is rendered, from the date on which the account ought to have been rendered.

(c) For other outstanding claims, the general rule is that interest is payable from the thirtieth day after the creditor sends an invoice or otherwise presents a demand for payment of a stated sum, indicating that failure to pay will entail an obligation to pay interest. The debtor is not required to pay interest in respect of the time before he or she receives the invoice or demand.

In commercial dealings between traders, interest has to be paid regardless of whether the demand for payment indicates that failure to pay will entail an obligation to pay interest. The same applies where in the course of his or her commercial dealings a trader has a claim against a public authority or other public body for goods or services supplied.

In the case of a claim for damages (*skadestånd*) or other similar compensation that cannot be determined without further inquiry, interest is payable on the sum due from the thirtieth day after the creditor demands payment and presents a statement of what he or she can reasonably claim. The debtor is not obliged to pay interest in respect of the time before he or she receives the demand and the statement.

Regardless of any other rule, interest on an outstanding claim is in any event payable from a date no later than the date of notification of an application for an order for payment (*betalningsföreläggande*) or summons (*stämning i mål*) in an action seeking payment of the claim.

If the claim is for damages arising out of an intentional breach of the law, and the damages sought do not take the form of a life annuity (*livränta*), interest is payable from the date on which the damage was suffered.

#### Claims that carry interest before the due date

If a claim carries interest at the time it falls due for payment, and payment is not made in good time, the rate of interest that applied before the due date continues to apply. But the interest rate payable can never be less than what would have been payable on an outstanding claim that did not carry interest before the due date.

#### Adjustment of interest rate

The interest rate may be adjusted if the debtor has been prevented from paying in good time by reason of illness, unemployment or any other similar circumstance outside his or her control and it would be unreasonable to require him or her to pay full interest in respect of the resulting delay.

### 3 If necessary, is there further information available on how to calculate statutory interest?

No.

### 4 Is there free online access available to the legal basis mentioned above?

This link gives access to an unofficial version of the [Interest Act \(\*räntelagen\*\)](#).

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