GERNANDT & DANIELSSON

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This news overview has been compiled by Gernandt & Danielsson's specialist team and is updated month by month. Added news for this month are highlighted in beige. Please click here if you are interested in subscribing to the G&D Monthly Digest.

Data and Tech

ARTIFICIAL INTELLIGENCE

- On 24 July 2025, the European Commission approved the template for making public summaries of training content for general-purpose AI models (Sw. *AI-modell för allmänna ändamål*). Disclosure regarding the use of training content is required under Article 53(1)(d) of Regulation (EU) 2024/1689 (the AI Act) (Sw. *AI-förordningen or AI-akten*). Such summaries are intended to increase transparency regarding the content used for training of general-purpose AI models. Additionally, the disclosure enables parties with legitimate interests, including right holders, to exercise and enforce their rights under applicable law. The template provides a baseline for mandatory disclosure.

- On 18 July 2025, the Commission approved the Guidelines on the scope of the obligations for general-purpose AI models (C[2025] 5045 final). The guidelines clarify the definition of general-purpose AI models and the scope of obligations for providers of such models under the AI Act. While the guidelines are non-binding, they provide insight into the approach that will be taken in enforcing and interpreting key concepts of the AI Act.

- On 10 July 2025, the final draft of the General-Purpose AI Code of Practice was published. The Code of Practice is a voluntary instrument that providers of general-purpose AI models may adopt. Signatories benefit from reduced administrative burdens and greater legal certainty since adherence to the code demonstrates compliance with Articles 53 and 55 of the AI Act. The code is divided into three chapters: Transparency, Copyright, and Safety and Security. Each chapter addresses different obligations based on the AI model's risk level. Leading industry players such as OpenAI and Google have already announced their decisions to become signatories.

PRIVACY

- On 26 August 2025, the Swedish Authority for Privacy Protection (IMY) (Sw. *Integritetsskyddsmyndigheten*) launched a regulatory sandbox project with a municipality to explore safe and responsible uses of AI in social services. The initiative focuses on testing AI tools for recording, transcribing, and summarising conversations. The objective is to reduce social workers' administrative burdens and free up more time for client contact. Within the sandbox framework, IMY and the municipality will jointly assess key legal questions regarding personal data processing. The findings will ultimately be published in a public report for broader application.

- On 23 August 2025, the IT systems of a major service provider to Swedish municipalities, regions, and private organisations were subject to a cyberattack. The cyberattack resulted in unauthorised access to the service provider's IT environment and stored information, and disrupted access to services. IMY received around 250 personal data breach notifications. The data include sensitive employee information, such as health details and trade union membership.

- On 16 July 2025, the EU General Court ruled in case no. T-183/23 regarding access to a file prepared in connection with Binding Decision 3/2022 by the European Data Protection Board (EDPB). The background of the case concerned a complaint against Meta under Article 77 of Regulation (EU) 2016/679 (the GDPR) (Sw. *dataskyddsförordningen*). Meta was the subject of the EDPB's binding decision. On 7 February 2023, the EDPB rejected the claimant's request for access to the documentation prepared for the binding decision. In its subsequent ruling, the General Court annulled the EDPB's refusal to grant the claimant access. The court confirmed that the claimant has a distinct and autonomous right of access, regardless of being adversely affected by the EDPB's binding decision, under the Charter of Fundamental Rights

of the EU. Importantly, the court emphasised that the GDPR contains no specific limitation on the right of access.

Employment and Incentives

- On 25 June 2025, the Swedish Labour Court (Sw. *Arbetsdomstolen*) ruled in case AD 2025 nr 47 concerning the Swedish Whistleblower Protection Act (2021:890) (Sw. *visselblåsarlagen*). An employee had repeatedly reported safety concerns and argued that the reporting should be categorised as whistleblowing warranting protection under the Whistleblower Protection Act. Whistleblower protection requires reporting of misconduct (Sw. *missförhållanden*) of public interest. The Labour Court held that "reporting due to a conflict between the reporting individual and another employee at the workplace is usually not of public interest". Despite certain evidence of safety concerns, the majority of the court found that the reports stemmed from workplace conflicts rather than misconduct of public interest. The case is the first application of the Whistleblower Protection Act by the Labour Court. However, given that the public interest criterion is difficult to assess, it is unlikely to be the last.

- On 30 May 2025, the Swedish government presented memorandum Fi2025/01199 on legislative changes due to the latest EU Banking Package, which implements the final parts of the Basel 3 Agreement. The memorandum proposes, among other things, stricter suitability requirements for executives in financial institutions and a completely new law with qualifying periods (Sw. *karenstid*) for certain employees of the Swedish Financial Supervisory Authority (Sw. *Finansinspektionen*). Under this proposal, the head and board members of the authority must report any new employment within 12 months of leaving their positions. Such persons must also observe a 12-month waiting period before transferring to a supervised entity and a three-month waiting period before transferring to a stakeholder organisation (such as a lobbying group). Other persons involved in supervisory activities must report new assignments within six months and may be subject to waiting periods of up to six months if they have acquired certain sensitive information or skills. The new law is proposed to enter into force on 11 January 2026.

- On 14 May 2025, the Labour Court ruled in favour of a labour union in a dispute concerning taxi drivers' overtime compensation (case AD 2025 nr 29). The court assessed whether two taxi drivers continued to be employed by a taxi company when performing overtime work or if they instead were employed by a staffing company (as claimed by the employer). The court determined that the employer had failed to prove that the drivers were employed by the staffing company during the performance of the disputed work. Notably, no employment agreements existed with the staffing company and both companies shared the same address and ownership structure. Furthermore, all work was performed using the taxi company's vehicles and equipment. Consequently, the court ordered the employer to pay overtime compensation and vacation pay as well as general damages to each driver and to the union for breach against the terms and conditions of the collective bargaining agreement. The ruling illustrates that multiple-employment arrangements, where the same type of work is performed, do not allow employers to avoid paying overtime compensation (if agreed to, for instance, under a collective bargaining agreement).

Environmental, Social and Governance

- On 4 July 2025, the Swedish government presented legislative bill Fi2025/00223 with proposals implementing Regulation (EU) 2024/3005 on the transparency and integrity of Environmental, Social and Governance (ESG) rating activities (Sw. *EU:s förordning om hållbarhetsbetyg*). The regulation aims to strengthen the reliability and comparability of ESG ratings by improving the transparency and integrity of ESG rating providers' operations. Such providers will have to comply with transparency requirements and prevent conflicts of interest. The Swedish Financial Supervisory Authority (Sw. *Finansinspektionen*) is proposed as the designated national competent authority and legislative amendments are proposed granting the authority power to supervise how sustainability ratings are used in marketing. The legislative changes are proposed to enter into force on 2 April 2026.

- On 30 June 2025, the European Securities and Markets Authority (ESMA) published its Final Report on the Common Supervisory Action conducted in 2023 and 2024 with national competent authorities on the integration of sustainability risks and disclosures in the investment fund sector. While there is an overall satisfactory level of compliance with applicable regulatory requirements, there is still significant room for improvement according to the report. This is particularly the case with respect to the requirements under Regulation (EU) 2019/2088 (the Sustainable Finance Disclosure Regulation, SFDR) (Sw. *disclosureförordningen*). The main issues and vulnerabilities identified in the report include vague disclosures, inadequate principal adverse impact statements, insufficient sustainability risk policies, and greenwashing risks. The report concludes that both supervised entities and regulators are building experience since the implementation of the SFDR in 2021. Nonetheless, proactive engagement and follow-up on identified vulnerabilities remain essential for ensuring market

transparency and combating greenwashing.

- On 2 May 2025, the European Commission announced a new call for evidence due to its review of the SFDR. The regulation, in application since 2021, sets out how financial market participants have to communicate sustainability information to investors. The Commission's initiative aims to review the rules on sustainable finance disclosure with the objective of simplifying the framework, enhancing its usability and preventing greenwashing. A proposal to revise the SFDR is planned in the European Commission's work programme for Q4 2025.

EU, Competition and FDI

COMPETITION

- On 24 July 2025, the European Commission announced that it had opened two investigations regarding possible breaches of the EU merger rules. In the first case, the Commission has taken the preliminary view that Vivendi breached the notification requirement, the 'standstill obligation' as well as the conditions and obligations attached to the Commission's decision to clear the Vivendi/Lagardère transaction. The Commission's investigation revealed that Vivendi regularly intervened in Lagardère's strategic and human resources decisions at a premature stage. In the second case, the Commission is investigating whether KKR & Co. Inc. provided incorrect or misleading information during the merger investigation of the NetCo acquisition regarding certain agreements relevant to the Commission's decision to clear the acquisition.

- On 10 July 2025, the European Commission launched a Call for Evidence and a public consultation to gather stakeholder feedback on the proposed revision of the EU's antitrust enforcement framework. This initiative responds to the need to adapt competition law enforcement to transformative economic changes, including the ongoing digitalisation of the economy. The consultation specifically targets potential revisions to two key regulatory instruments: Regulation 1/2003 and Regulation 773/2004. The primary objective is to enhance the effectiveness and efficiency of antitrust enforcement whilst ensuring procedural speed and accuracy in competition investigations. This includes the Commission's investigative powers and the procedure for the participation of complainants and third parties in competition investigations.

- On 9 July 2025, the European Commission issued two informal guidance letters and thereby marking the first such guidance provided under its Notice on Informal Guidance of 2022. These two letters provide antitrust guidance on (i) sustainability agreement for the joint purchasing and the setting of technical specifications for electric container-handling equipment used in ports, and (ii) the creation of a licensing negotiation group in the automotive sector for the licensing of standard essential patents. These guidance letters represent the inaugural use of the Commission's Notice on Informal Guidance of 2022. The Notice on Informal Guidance allows businesses to seek informal guidance from the Commission on the application of EU competition rules to novel or unresolved questions.

FDI AND NATIONAL SECURITY

- On 18 July 2025, the European Commission published draft Guidelines for implementing the Foreign Subsidies Regulation (Regulation [EU] 2022/2560) (FSR). The draft FSR Guidelines provide guidance on how the Commission determines whether foreign subsidies distort competition, applies the balancing tests, and exercises its power to request prior notifications of concentrations and public procurement procedures. The FSR Guidelines aim to increase predictability and transparency in FSR enforcement, building on the Commission's practice since the FSR entered into force in July 2023. The final FSR Guidelines will be published by January 2026 after further consultation with the Member States.

- On 17 June 2025, representatives of the European Parliament, the Council, and the Commission initiated trilogue negotiations to revise the existing Foreign Direct Investment (FDI) screening framework. This legislative process aims to strengthen the protection of EU security and public order through enhanced screening mechanisms for foreign investments entering the EU. The negotiations concern three changes to the current regulatory landscape: (i) screening mechanisms with more harmonised national rules for the Member States, (ii) a minimum sectoral scope where all Member States must screen foreign investments, and (iii) extension of EU screening to include investments by EU investors ultimately controlled by individuals or entities from a non-EU country. Following an achievement of a political agreement on the final regulatory text, Member States will likely need to revise their national FDI legislation.

- On 14 May 2025, the Swedish Financial Supervisory Authority (Sw. *Finansinspektionen*) announced that it had issued an administrative fine of SEK 12 500 000 against a major bank. The fine is the result of supervisory action concerning the bank's compliance with the Swedish Protective Security Act (2018:585) (Sw. *säkerhetsskyddslagen*). According to the Financial Supervisory Authority, the bank's protective security analyses had been

deficient. Moreover, the bank had violated several provisions of the protective security regulatory framework and thereby had created national security vulnerabilities according to the authority.

Family Offices and Foundations

- On 19 March 2025, the European Commission unveiled its strategy for the Savings and Investments Union (SIU), aiming to bolster the EU's financial ecosystem by channelling savings more efficiently into productive investments. A significant component of this strategy involves a forthcoming review and enhancement of the European Venture Capital Funds Regulation (Regulation [EU] No 345/2013) (the EuVECA) (Sw. *förordningen om riskkapitalfonder*), scheduled for Q3 2026. The proposed review seeks to broaden the scope of investable assets and strategies permissible under the EuVECA framework. This initiative is designed to foster a more dynamic venture capital market, thereby supporting innovative startups and scale-ups across key sectors such as AI, biotechnology, and clean technology. By expanding the range of eligible investments, the Commission aims to enhance the attractiveness of the EuVECA label for fund managers and investors alike. This move is anticipated to facilitate greater capital flow into high-growth potential enterprises, contributing to the EU's broader objectives of innovation, competitiveness, and economic resilience. The broadening may also offer family offices more alternatives, given that the EuVECA is tailored to semi-professional investors.

- On 10 March 2025, the Swedish Supreme Administrative Court (Sw. *Högsta förvaltningsdomstolen*) delivered a ruling in case no. 463-24 (HFD 2025 ref. 9). The case concerned a foundation that almost 20 years earlier had been granted permission by the Swedish Legal, Financial and Administrative Services Agency (Sw. *Kammarkollegiet*) to amend a provision in its deed. Much later, it was discovered that the amendment had resulted in an expansion of the group of beneficiaries that the foundation did not intend. The foundation then requested that the agency amend its previous decision on the basis of Section 37, first paragraph, of the Swedish Administrative Procedure Act (2017:900) (Sw. *förvaltningslagen*) as being incorrect, a request that was denied. The Supreme Administrative Court upheld the agency's decision and stated that an amendment to a provision in the foundation deed regarding the foundation's purpose can only be made if the conditions in Chapter 6, Section 1, of the Swedish Foundation Act (1994:1220) (Sw. *stiftelselagen*) are met.

- On 1 January 2025, certain amendments to the Foundation Act came into force. An important amendment was the introduction of a new ground for conflict of interests for representatives (Sw. *ställföreträdarjäv*). This means that, as a general rule, a board member or a trustee may not handle a matter concerning an agreement between the foundation and a legal entity that the board member or trustee may represent alone or together with someone else. Exceptions apply, for example, in intra-group relationships. In addition, other new rules were introduced, including an obligation for the auditor to make a police report in the event of suspicion of certain criminality. The news also includes fees for late submissions of annual reports and audit reports and a ban on board members who do not intend to take part in the board's activities.

Financial Services

- On 7 August 2025, the European Banking Authority (EBA) launched a consultation on its Guidelines on internal governance under the Capital Requirements Directive (Directive 2013/36/EU) (CRD), primarily intended to reflect changes brought by Capital Requirements Directive VI (Directive [EU] 2024/1619) (CRD VI) and to ensure alignment with the Digital Operational Resilience Act (Regulation [EU] 2022/2554) (DORA). The proposed amendments to the Guidelines include, for example, requirements to draw up an internal mapping of duties that specifies internal responsibilities and reporting lines, and introduction of a template for documenting individual statements of roles and duties. The consultation for submission of comments on the draft revised Guidelines is open until 7 November 2025.

- On 5 August 2025, the EBA published a set of regulatory technical standards specifying rules for the treatment of crypto-asset exposure from a capital requirements perspective. These regulatory technical standards are, together with transitional provisions in Capital Requirements Regulation III (Regulation [EU] 2024/1623) (CRR3), part of a temporary method for capitalising crypto-assets in the interim until a permanent prudential framework is implemented. The regulatory technical standards have been drafted to align, as far as possible, with the Basel standard on prudential treatment of crypto-asset exposures, and also take into account provisions in the Markets in Crypto Assets Regulation (Regulation [EU] 2023/1114) (MiCA).

- On 28 July 2025, EBA published an opinion on the current status of money laundering (ML) and terrorist financing (TF) risks affecting the EU's financial sector. Corresponding opinions have been issued semi-annually in the past, and this most recent opinion is based on data from January 2022 to December 2024. The EBA notes in the report that the ML/TF risks are high in the FinTech sector, where many firms lack the expertise and

governance structures necessary to identify and tackle risks effectively. The EBA also notes high risks in the crypto-asset sector, reflecting a gap between regulatory expectations, legal obligations and actual practice. On a positive note, the EBA emphasises the opportunities afforded by the increasing use of technology for AML/CFT compliance purposes, and also highlights that risks related to tax crimes and unwarranted de-risking appear to be decreasing overall.

Intellectual Property and Marketing

INTELLECTUAL PROPERTY RIGHTS

- On 1 August 2025, the EU Court of Justice ruled in case C-452/24 Lunapark Scandinavia clarifying that national laws cannot impose additional limitations on trademark enforcement beyond those expressly provided in the EU Trademarks Directive (Directive [EU] 2015/2436) (Sw. *varumärkesdirektivet*). The case arose when a trademark proprietor sued a competitor for infringement after the competitor used an identical mark. The mark had been used without any formal rights even before the proprietor's trademark was registered. While the national court had dismissed the infringement claims due to national law requiring rights to be exercised within a reasonable time, the Court of Justice held that Articles 10 and 18(1) of the Trademarks Directive constitute maximum harmonisation provisions. Accordingly, Member States cannot introduce additional limitations such as forfeiture due to inactivity unless the specific conditions for acquiescence under the Trademark Directive are met. The court effectively ruled in favour of the trademark proprietor, establishing that trademark proprietors cannot lose enforcement rights due to inactivity outside the Trademarks Directive's specific framework.

- On 14 July 2025, the EU Intellectual Property Office (EUIPO) adopted its Rules on Mediation (Decision No. EX-25-09). The rules govern the administration of mediation processes handled by the EUIPO Mediation Centre relating to trade marks, designs, and geographical indications for craft and industrial products. Mediation is a voluntary and confidential process that helps parties reach mutually agreeable solutions in intra partes procedures. Once both parties agree and sign a mediation agreement, the EUIPO suspends the existing procedure and mediation sessions begin. However, mediation requires cooperation and does not produce a binding decision if the parties fail to agree. In case of failure to agree, the standard EUIPO procedure resumes.

- On 10 July 2025, the EU Court of Justice delivered its ruling in case C-365/24 Purefun Group. The case concerns a request for a preliminary ruling from the Swedish Patent and Market Court of Appeal (Sw. *Patent- och marknadsöverdomstolen*). The background involves the Swedish doctrine of cross-protection of company names as trademarks (Sw. *det korsvisa skyddet*). The Swedish doctrine has been questioned since it potentially can offer more generous protection than what otherwise is provided for trademarks. The Court of Justice held that EU trademark law does not harmonise law on company names, thereby allowing Member States to regulate them. Nonetheless, justification for any national measures potentially restricting free movement is necessary. The court found that the Swedish doctrine is compatible with EU law as long as the national protection of company names includes limitations and provisions for revocation for non-use and provides sufficient precision in describing a company's registered activities. As such, the Swedish doctrine may subsist.

MARKETING AND CONSUMER PROTECTION

- On 14 August 2025, the Swedish Supreme Court (Sw. *Högsta domstolen*) ruled in case no. PMT 4286-24 "Motionsloppen" concerning unfair contract terms. The case concerned sports events cancelled due to the ongoing pandemic and consumers being denied refunds for their paid participation fees. The Supreme Court clarified that the unfair terms shall be assessed in accordance with EU case-law. The court found that the terms in question caused a significant imbalance disadvantaging consumers, as a fair and honest trader could not reasonably expect consumers to accept such cancellation terms without refund rights. The court emphasised the fundamental contractual principle that payments should not be required when contracted services are not delivered, and noted that the disputed terms fell under several examples in the "grey list" of potentially unfair terms under the Unfair Contract Terms Directive (93/13/EEC) (Sw. *avtalsvillkorsdirektivet*). The fact that the sports events were of a non-profit character was deemed immaterial and the contract terms were accordingly found unfair.

- On 1 July 2025, the Supreme Court ruled in case no. T 607-24 "Nätkasinot". The case concerned a customer with a serious gambling addiction who had gambled approximately EUR 15 million (of which more than half was lost). According to Section 33 of the Swedish Contracts Act (1915:218) (Sw. *avtalslagen*), a contract may not be invoked contrary to good faith (Sw. *tro och heder*) if the invoking party knew of the circumstances that make such invocation unfair. The Supreme Court found that the online casino provider was aware of the customer's addiction through its collection of detailed behavioural data and targeted marketing. Additionally, the customer had been actively offered

a particularly risky form of gambling. The Court therefore held that it was contrary to good faith for the online casino to rely on the contract with the customer. The company was ordered to pay the customer just over EUR 500 000 corresponding to his net losses accrued during the period when the contract could not be relied upon.

- On 28 June 2025, the Swedish Accessibility Act (2023:254) (Sw. *tillgänglighetslagen*) entered into force. The act transposes Directive (EU) 2019/882 (the European Accessibility Act) (Sw. *tillgänglighetsdirektivet*) into Swedish law. The law applies to services such as electronic communication, banking and payment services, and e-commerce, as well as related hardware such as payment and self-service terminals. Under the new law, general requirements mandate accessible information, interfaces, functional design and support services. Additional sector-specific requirements cover electronic communication, e-commerce, banking and payment services. Entities responsible for meeting these requirements include manufacturers, importers, distributors and service providers. Non-compliance may lead to administrative fines up to SEK 10 million.

Real Estate and Environment

- On 19 August 2025, the Swedish Supreme Court (Sw. *Högsta domstolen*) ruled in case no T 3007-24 ”Meteoriten” in favour of two geologists who discovered a 14 kg iron meteorite, establishing meteorites as movable property rather than part of real property. The case arose from a meteorite fall on 7 November 2020 and the subsequent discovery on 5 December 2020. The court held that meteorites do not constitute a component of real property due to their extraterrestrial origin and distinctive material properties. Since the meteorite was not in anyone’s possession when discovered, the finders acquired ownership through taking possession. One justice dissented, arguing meteorites should be considered part of real property. The decision provides crucial precedent for meteorite discoveries in Sweden and establishes important guidance for space-related property law.

- On 3 July 2025, government inquiry SOU 2025:80 (Sw. *Koordinatbestämda fastighetsgränser*) was presented. The inquiry concerns a comprehensive reform to modernise Sweden’s property boundary system by replacing physical boundary markers with coordinate-based boundaries to strengthen legal security and increase efficiency in property transactions through improved digital boundary information. Coordinate-determined boundaries offer better digital access, more efficient property formation, and reduced costs. The inquiry recommends implementing a system where property boundaries are determined using precise GPS coordinates with centimetre-level accuracy via Sweden’s national geodetic reference system SWEREF 99. The proposed system is scheduled for implementation beginning on 1 January 2029.

- On 2 July 2025, the Swedish Supreme Court ruled in case no. T 1094-24 “Sprängstensskadorna” concerning liability for blasting stone damage. In the case, damages had been caused by controlled explosions causing debris to be thrown onto neighbouring premises resulting in damaged vehicles and requiring cleanup. The Supreme Court found that investigation and cleanup costs following blasting incidents constitute property damage under Chapter 32 of the Swedish Environmental Code (1998:808) (Sw. *miljöbalken*). The court further reiterated that liability for blasting stone damage is strict, thereby requiring no proof of negligence. When debris spreads onto neighbouring property, the resulting investigation costs are deemed a “calculable and typical consequence” that can reasonably be foreseeable. Crucially, the court classified such costs as property damage rather than pure economic loss, making them automatically compensable without requiring proof of significance. This judgment strengthens environmental liability and clarifies the scope of recoverable damages under Sweden’s strict liability regime for blasting operations.