

G&D Monthly Digest

April 2025

This news overview is compiled by Gernandt & Danielsson's specialist team and is updated month by month. Added news for this month are highlighted in beige.

Data and Tech

ARTIFICIAL INTELLIGENCE

- On 22 April 2025, the European AI Office published a working document containing preliminary guidelines to clarify the scope of the obligations of providers of general-purpose AI models (Sw. *AI-modell för allmänna ändamål*). The guidelines will elaborate the scope of general-purpose AI models and other key concepts under Regulation (EU) 2024/1689 (the AI Act) (Sw. *AI-förordningen* or *AI-akten*). Stakeholders are invited to provide feedback by 22 May 2025 and the final guidelines are expected to be published in August 2025.
- On 5 March 2025, the organisation Finance Watch published a report titled "*Artificial intelligence in finance: how to trust a black box?*". The report examines challenges and vulnerabilities arising with the adoption of AI in financial services along with policy proposal to address such issues in the EU.
- On 4 March 2025, the Government Offices published the referral process for inquiry SOU 2025:12 (the AI Commission's roadmap for Sweden, in Sw. "*AI-kommissionens Färdplan för Sverige*"). The roadmap was released in November 2024 and aims to give Sweden a more defined direction for the future of AI and to inspire the Swedish society to embrace the common challenges and opportunities of AI development. In the roadmap, there are 75 different proposals relating to investigations, government assignments to authorities and financial initiatives in a variety of areas. The referral process ends on 4 June 2025.

(Sw. *Integritetsskyddsmyndigheten*) may, after three months without a substantive response from the authority, request a decision. If the authority decides to refrain from further supervisory actions, the complainant may appeal such decision. The changes aim to bolster the complainants' right to an effective remedy.

- On 24 April 2025, IMY issued a reprimand to the Hospital Board of Region Uppsala (Sw. *Sjukhusstyrelsen i Region Uppsala*) for infringement of Regulation (EU) 2016/679 (the GDPR) (Sw. *dataskyddsförordningen*) by failing to implement appropriate technical and organisational measures to ensure an adequate level of security level relative to the risks at hand. IMY concluded that the data controller (Sw. *personuppgiftsansvarig*) had not taken sufficient steps to protect patient data processed in Microsoft Outlook between 2018 and 2022. The inadequate handling of sensitive data, including personal identity numbers and health information, was attributed to deficiencies in internal routines and risk management.
- On 1 April 2025, the amendments to the Camera Surveillance Act (2018:1200) (Sw. *kamerabevakningslagen*) entered into force, expanding law enforcement's surveillance powers and removing the need to obtain a permit for camera surveillance from IMY. Organisations that previously required authorisation must now carry out documented assessments and are required to keep surveillance records instead. Sensitive surveillance activities will still require consultation with IMY.

PRIVACY

- On 1 May 2025, new provisions in the Swedish Data Protection Act (2018:218) (Sw. *dataskyddslagen*) came into effect. Under the new provisions, a complainant who has lodged a complaint with the Swedish Authority for Privacy Protection (IMY)

Employment and Incentives

- On 21 January 2025, the Swedish Arbitral Tribunal for Inventions and Non-competition Disputes (Sw. *Skiljenämnden i uppfinnar- och konkurrensklausulstvister*) published a summary of an award rendered in November 2024. The tribunal

assessed the enforceability of a non-compete clause (Sw. *konkurrensklausul*) in an employment agreement concerning a sales representative. Following a collective bargaining agreement in 2015, a nine-month restrictive period is generally accepted in cases where the underpinning trade secrets warranting a non-compete clause are deemed to be short-lived and as long as the employee is entitled to 60 % of his or her average monthly salary. Nonetheless, in the present case, the non-compete clause was declared null and void in its entirety partly because the remuneration amounting to 60 % of the employee's previous monthly salary of around SEK 40 000 was considered too low.

- On 14 January 2025, the Advocate General (AG) presented its opinion in case C-19/23 before the Court of Justice of the European Union (Sw. *EU-domstolen*). The case concerns the Directive (EU) 2022/2041 on adequate minimum wages (Sw. *minimilönedirektivet*). Said directive should have been transposed by 15 November 2024. However, Denmark and Sweden have objected to the directive on the basis that the EU does not have the authority to adopt legislation regulating wages. The AG assessed that the directive, in its entirety, should be declared invalid. Depending on the final outcome of the proceedings, the consequences for Swedish employment law could be significant.
- On 1 January 2025, new delegated regulations of the Swedish Work Environment Authority (Sw. *Arbetsmiljöverket*) entered into effect. The new set of rules is divided into 15 different delegated regulations (Sw. *Arbetsmiljöverkets författningssamling*). The overall purpose of the new set is to renew the previous regulations without entailing any material changes to the obligations stipulated therein.

Environmental, Social and Governance

- On 15 April 2025, the European Commission published a guidance (C[2025] 2485 final) on Regulation (EU) 2023/1115 (the Deforestation Regulation) (Sw. *EU:s avskogningsförfordning*). The new guidance aims to provide additional simplified measures and clarifications on how to demonstrate that products are deforestation-free. Notably, the Commission expects that the updated measures significantly will reduce the number of due diligence statements that companies need to file under the Deforestation Regulation. Most obligations under the regulation will apply from 30 December 2025.
- On 14 April 2025, the European Council approved the "Stop-the-clock Directive" (Directive [EU]

2025/794). The Stop-the-clock directive delays the implementation of the second and third waves of reporting under the Corporate Sustainability Reporting Directive (Directive [EU] 2022/2464) (the CSRD) (Sw. *EU:s direktiv om företagens hållbarhetsrapportering*) by two years (to 2027 and 2028) and the first wave of the Sustainability Due Diligence Directive (Directive [EU] 2024/1760) (the CDDD) (Sw. *EU:s direktiv om tillbörlig aktsamhet för företag i fråga om hållbarhet*) by one year (to 2028). The Stop-the-clock Directive grants businesses a grace period to prepare for the sustainability reporting and due diligence requirements that they will be subject to under each regime. The directive forms part of the Omnibus I package adopted by the Commission at the end of February 2025 to simplify EU legislation in the field of sustainability. The Stop-the-clock Directive entered into force on 17 April 2025 and Member States are required to transpose it into national law by 31 December 2025.

- On 19 March 2025, the European Securities and Markets Authority (ESMA) published data on compliance by national competent authorities with ESMA's Guidelines on funds' names using ESG or sustainability-related terms. The guidelines specify when funds' use of such terms in their names are deemed to be unfair, unclear or misleading. The compliance data indicates that a significant majority of member states consider themselves to be compliant with ESMA's guidelines, while a few number (4) intend to comply and are in process of taking legislative measures to ensure compliance. Only one jurisdiction (Czech Republic) reported that it does not comply with ESMA's guidelines, citing that the existing legal order lacks a sufficient legal basis to require fund managers to meet the specific numerical thresholds.

EU, Competition and FDI

COMPETITION

- On 23 April 2025, the European Commission announced that it had fined Apple and Meta EUR 500 million and EUR 200 million respectively for breaching their obligations under the Digital Markets Act (Regulation [EU] 2022/1925) (the DMA) (Sw. *Förordningen om digitala marknader*). Concerning Apple, the Commission found that it had breached the anti-steering obligation under the DMA. As to Meta, the Commission found that the company's "Consent or Pay" advertising model breached the DMA's obligation to provide consumers with the choice of a service that uses less of their personal data. According to the Commission, the fines respectively imposed account for the gravity and duration of the non-compliance, while noting that the non-compliance decisions are the first under the DMA.

- On 3 April 2025, the Swedish Competition Authority (Sw. *Konkurrensverket*) announced its decisions in case dnr. 288/2022. The background of the case concerns four competing Swedish health care service providers. In 2020, the competitors came to an understanding with each other on restricted keyword advertising. The Competition Authority decided to fine three of the companies for breaching the prohibition on anti-competitive cooperation. In the authority's assessment, the advertising restrictions lead to consumers being deprived of exposure to alternatives when using search engines. Also, the restrictions prevented the companies from fully competing for potential customers. The Competition Authority fined three of the companies a total amount of approximately SEK 26 million. Under the authority's leniency programme, one of the companies (Kry) was granted immunity from administrative fines as the company voluntarily had notified the authority of the anti-competitive agreements.
- On 1 April 2025, the European Commission announced that it had fined 15 major car manufacturers and the European Automobiles Manufacturers' Association a total of around EUR 458 million for participating in an over 15-year long cartel concerning end-of-life vehicle (ELV) recycling (case AT.40669). The Commission found that the car manufacturers illegally had agreed to not pay car dismantlers for processing ELVs. Further, the cartel shared commercially sensitive information on their individual agreements with car dismantlers and agreed to not fully disclose ELV recycling information. Under the Commission's leniency programme, Mercedes-Benz received full immunity for revealing the cartel, while three companies benefited from a reduction of the fine for their cooperation with the Commission.
- On 10 January 2025, Ramsbury Invest became the first entity to be sanctioned under the Swedish FDI Act (2023:560) (Sw. *lagen om granskning av utländska direktinvesteringar*). The basis for the sanction was that Ramsbury Invest failed to notify the Inspectorate of Strategic Products (ISP) (Sw. *Inspektionen för strategiska produkter*) about its investment in a Swedish defence technology group in December 2023. The sanction imposed on Ramsbury Invest amounted to SEK 200 000. Sanctions under the Swedish FDI Act may amount to between SEK 25 000 and SEK 100 000 000. The company has publicly stated its intention to appeal ISP's decision.
- On 7 January 2025, Shanghai Putailai (PTL), a Chinese provider of battery materials, announced that it is appealing the ISP's decision to stop PTL's plans for an anode (battery) plant in Sweden. In its appeal, PTL argued that it is impossible for the company to fulfil the tough requirements laid out by ISP in accordance with the prescribed timeframe. The requirements included that the company could not be the majority shareholder and that both the CEO and the chairman of the board must be Swedish citizens. On 6 March 2025, PTL ultimately announced that it is giving up the plans and is withdrawing from the venture in Sweden.

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 more efficiently channelling savings 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.

FOREIGN DIRECT INVESTMENTS

- On 5 March 2025, the European Commission published a Call for Evidence seeking feedback on the main objectives, scope and context of its upcoming guidelines regarding the implementation of Regulation (EU) 2022/2560 (the Foreign Subsidies Regulation) (Sw. *Förordningen om utländska subventioner*). The regulation entered into force on 13 July 2023 and enables the Commission to address distortions caused by foreign subsidies and ensures a level playing field for all companies operating in the internal market. The upcoming guidelines will clarify key concepts such as determination of a distortion caused by a foreign subsidy and the application of the balancing test. This is a first step towards the publication of the guidelines, expected to be finalised by 13 January 2026.

- 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.
- On 10 April 2025, the Swedish government decided to initiate an inquiry regarding actions for countering over-indebtedness with a focus on eternal debtors (Dir. 2025:37, Sw. *Åtgärder mot överskuldssättning med fokus på evighetsgäldenärer*). One of the legislative news to consider under the inquiry is the possibility to introduce an absolute period of limitation for overdue consumer debts. Depending on the outcome of the inquiry, future legislative changes may affect the Swedish consumer credit market fundamentally. The findings of the inquiry shall be presented by 10 July 2026.
- On 18 March 2025, the Swedish Government published the bill prop. 2024/25:138 (Sw. *Stärkt konsumentskydd på kreditmarknaden*) with a number of proposed amendments with the purpose of improving consumer protection in the lending business. The focal point in the proposal is to repeal the current order in which consumer credit brokers and consumer lenders operate as consumer credit institutions under the authorisation by the Financial Supervisory Authority. In the interest of fair competition, consumer protection and lowering consumer indebtedness, the bill proposes that consumer lending and consumer credit brokerage will henceforth require a licence as a regular credit institution (Sw. *kreditinstitut*) instead of as a consumer credit institution. The amendments are proposed to enter into force on 1 July 2025. However, businesses currently operating with a consumer credit institution licence will be offered a grace period.

Financial Services

- On 23 April 2025, the Swedish Financial Supervisory Authority (Sw. *Finansinspektionen*) published a report (Dnr 25-10783) on consumer protection risks in 2025 (Sw. *Konsumentskyddsrapport 2025: Digitalisering och virala trender skapar risker för konsumenter på finansmarknaden*). The authority will under 2025 focus in particular on consumer risks relating to frauds, financial alienation, unsound lending, and inappropriate savings and insurance products (including products with high fees). According to the authority, some of the identified risks arise when consumers consult social media and AI services for help with savings and investments. The Financial Supervisory Authority's report includes planned actions to be taken in 2025 due to the identified risks.
- On 25 April 2025, the Swedish Intellectual Property Office (Sw. *Patent- och registreringsverket, PRV*) increased its administrative fees for trademarks. Increased administrative fees for patents are already applied by the authority since 15 March 2025.
- On 3 April 2025, the Swedish Competition Authority (Sw. *Konkurrensverket*) announced that it had fined three companies for breaching the prohibition on anti-competitive cooperation (decision dnr. 288/2022). The anti-competitive cooperation was initiated when the competitors decided to refrain from keyword advertising using each other's trademarks. Notably, the authority referred to EU Court of Justice case C-323/09 (Interflora) and concluded that keyword advertising constitutes a natural part of competition. According to the authority, the use of the competitors' trademarks in advertising could not be considered misleading for the average consumer. The decision is of importance since the Competition Authority's reasoning illustrates that complying with cease-

Intellectual Property and Marketing

INTELLECTUAL PROPERTY RIGHTS

and-desist orders from competitors, due to alleged trademark infringements pertaining to keyword advertising, may infringe competition law.

judgment is the first of its kind by the Court of Appeal since the amendments to the Marketing Act entered into force.

- On 25 March 2025, the Intellectual Property Office reported that the total number of patent applications during 2024 decreased for the first time since 2016. Nevertheless, Sweden is ranked second in Europe and tenth worldwide when it comes to the number of filed patent applications per million inhabitants. The top three Swedish patent applicants are Ericsson, Volvo Cars and Volvo Group.

MARKETING AND CONSUMER PROTECTION

- On 30 April 2025, the Swedish Consumer Agency (Sw. *Konsumentverket*) published the report "Redovisningsrapport 2025:3" concerning consumer issues in relation to customer services. The report was initiated pursuant to an instruction from the Swedish government. In the report, the agency found – among other things – that consumers experience difficulties finding contact details of traders and to obtain substantive answers in reasonable time from customer services. Such neglect by traders may violate the Swedish Act on Distance Contracts and Off-Premises Contracts (2005:59) (Sw. *distansavtalslagen*).
- On 10 April 2025, governmental inquiry SOU 2025:34 (Sw. *Ett modernare konsumentskydd vid distansavtal*) was presented with a number of proposed legislative news due to Directive (EU) 2023/2673 on financial services contracts concluded at a distance. The inquiry proposes the repeal and replacement of Chapter 3 of the Act on Distance Contracts and Off-Premises Contracts. The proposal includes new requirements for financial services providers on pre-contractual information and limitations to the design of online interfaces. In addition, such financial services providers may in many cases be obligated to provide a digital withdrawal function to consumers. The proposed amendments may enter into force on 19 June 2026.
- On 27 March 2025, the Swedish Patent and Market Court of Appeal (Sw. *Patent- och marknadsöverdomstolen*) upheld a ruling on the maximum administrative fine (Sw. *marknadsstörningsavgift*) for infringements of the Swedish Marketing Act (2008:486) (Sw. *marknadsföringslagen*) in case no. PMT 8445-24. Since September 2022, an administrative fine may amount to up to four percent of the trader's annual turnover. In the present case, a Norwegian company and its Swedish subsidiary were respectively ordered to pay the highest fine possible. The

Real Estate and Environment

- On April 25, 2025, the Swedish Supreme Court (Sw. *Högsta domstolen*) ruled in a dispute between a condominium buyer and a housing association over defects in a newly bought and produced apartment. The case concerned the right to remedy (Sw. *avhjälpanderätten*) under the Swedish Condominium Act (1991:6149 (Sw. *bostadsrättslagen*)). If a housing association fails to address defects in a condominium, the owner can claim compensation after having remedied the defects by itself. This may create a situation where the owner has to pay upfront for the remedy without any guarantee of reimbursement from the association. The Supreme Court's ruling clarifies that an owner also may claim compensation for reasonable future costs for remedying the defect as long as the association has had a reasonable opportunity to remedy the defect.
- On 24 April 2025, the Supreme Court ruled in a dispute over a leasehold fee (Sw. *tomträttsavgäld*) (case no. T 3706-23, Sw. "Smyrna"). A leasehold is an unlimited-time concession of land in public ownership for a specific purpose. The leasehold fee is to remain unchanged for specified periods (generally ten years) and the fee may be reviewed. Such review shall seek to balance interest of financial predictability for the leaseholder and the owner's interest of compensation for land value increases. Further, the fee should reflect a reasonable interest rate on the estimated land value. In the Supreme Court's case, the owner sought to increase the annual fee of SEK 1 900 000 to SEK 5 023 004 (based on a land value of SEK 167 433 480 and a 3 % interest rate). The leaseholder opposed the increase. The Supreme Court concluded – considering long-term interest rates and other factors, particularly that the leasehold was for residential purposes – that an interest rate of 1,75% instead was reasonable, resulting in an annual fee of SEK 2 900 000.
- As of 17 March 2025, the legislative processing of governmental inquiry SOU 2024:38 (Sw. *Digitala fastighetsköp & Förköpsrätt vid fastighetstransaktioner*) is still ongoing. According to the Government Offices, it is too early to predict when a finalised bill can be presented. The inquiry includes proposals on pre-emption rights in real estate transactions related to military and civil defence (either as a complement or alternative to municipal pre-emption rights with regards to civil defence). The proposals also include pre-emption

rights for municipalities for crime prevention. Real estate transactions would henceforth be required to be reported, with the acquirer responsible for the reporting, in line with the Foreign Direct Investment Act (2023:560) (Sw. *lagen om utländska direktinvesteringar*).

The Gernandt & Danielsson specialist team covers all specialist practice areas of the firm including AI, competition, data protection, employment, EU, environment, FDI, financial services, intellectual property and marketing, IT and technology, public procurement, and real estate. The team is lead by Niclas Rockborn.