

G&D Monthly Digest

February 2026

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. For this month, we have included an in-depth analysis at the end.

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Data & Tech

ARTIFICIAL INTELLIGENCE

- On 21 January 2026, the European Commission proposed a new Digital Networks Act (DNA) – a proposed comprehensive regulation aiming to modernise, simplify, and harmonise EU rules on connectivity networks. The DNA aims to incentivise investment in fast, secure, and resilient digital infrastructure to meet growing connectivity demands driven by virtualisation and AI. Key features include a single passport authorisation system enabling cross-border service provision with one notification, an EU-wide satellite authorisation regime, and a harmonised spectrum licensing with unlimited duration grants. The proposal now enters into legislative negotiations between the European Parliament and Council, where substantial amendments are anticipated before final adoption.
- On 9 December 2025, the Swedish Authority for Privacy Protection (IMY) (Sw. *Integritetsskyddsmyndigheten*) published takeaways from a regulatory sandbox project on the possibility of using personal data to create synthetic data for training AI systems. The regulatory sandbox examined how AI models, which typically require processing of personal data, could instead be trained on synthetic data that resembles original information without being linkable to individuals. Through IMY's regulatory sandbox, a dialogue-based method offering guidance to private and public organisations with innovation projects, several questions related to synthesisation were explored. Notably, IMY emphasised that the creation of synthetic data itself involves processing of personal data and, with particularly sensitive data, demand special considerations and measures.
- On 19 November 2025, the European Commission published its Digital Omnibus package, which includes proposed amendments to Regulation (EU) 2024/1689 (the AI Act) (Sw. *AI-förordningen*). The Commission proposes delaying the timeline

for applying rules to high-risk AI systems, with a backstop date of December 2027. The amendments extend certain simplifications granted to small and medium-sized enterprises as well as to small mid-cap companies, including simplified technical documentation requirements. The package also broadens compliance measures to enable more innovators to use regulatory sandboxes and reinforces the AI Office's powers with centralised oversight of AI systems built on general-purpose AI models.

PRIVACY

- On 18 December 2025, the EU Court of Justice rendered its judgment in case C-422/24 Storstockholms Lokaltrafik. The case originated from a decision by the Swedish Authority for Privacy Protection (IMY) (Sw. *Integritetsskyddsmyndigheten*) regarding the use of body-worn cameras by ticket inspectors in Stockholm's public transportation. IMY found that adequate information about personal data processing under Article 13 of Regulation (EU) 2016/679 (the GDPR) (Sw. *dataskyddsförordningen*) had not been provided. The Court of Justice has now confirmed IMY's interpretation that Article 13 applies to camera surveillance, establishing that information must be provided immediately when surveillance occurs and that exceptions to the information obligation are very limited. The case will now return to the Swedish Supreme Administrative Court (Sw. *Högsta förvaltningsdomstolen*). The case is the first heard by the Court of Justice concerning IMY's enforcement decisions.
- On 4 December 2025, the European Data Protection Board (EDPB) adopted recommendations on the legal basis for requiring the creation of user accounts on e-commerce websites. The EDPB recommends that e-commerce platforms offer either "guest mode" for purchases without an account or the option to create one voluntarily,

thereby minimising personal data collection. Mandatory account creation can be justified in limited circumstances, such as offering subscription services or providing access to exclusive offers. The recommendations aim to promote pragmatic, user-friendly, and privacy-protective practices in the e-commerce sector. The recommendations also address concerns about the collection and processing of personal data and the associated privacy and security risks that arise when users are required to create accounts. The recommendations are subject to public consultation until 12 February 2026.

- On 19 November 2025, the European Commission published its Digital Omnibus package including proposed amendments to Regulation (EU) 2016/679 (the GDPR) (Sw. *dataskyddsförordningen*). Key proposed changes include a revised view on pseudonymised personal data (reflecting the EU Court of Justice's assessment in case C-413/23 P), permitting AI system providers and deployers to process residual special categories of personal data subject to strict safeguards, and explicit recognition that AI development may be pursued under legitimate interests subject to full GDPR safeguards. The concept of "scientific research" is expanded to include innovation and technological development that may further commercial interests provided that ethical standards are met. The proposal modernises cookie rules to address "consent fatigue" by permitting data storage or access without consent in certain limited circumstances and foresees automated and machine-readable consent signals for universal settings-based preference mechanisms. This may enable consistent consent expression across websites and applications.

Employment & Incentives

- On 21 January 2026, the Swedish Labour Court (Sw. *Arbetsdomstolen*) ruled in case AD 2026 nr 2 concerning whether an employer had legal grounds to dismiss an employee who was on full-time leave to perform duties as a union representative. The Labour Court found that the employee repeatedly misreported working hours and absences over a relatively short period, which affected their entitlement to salary and the employer's ability to monitor reported hours. This conduct caused such serious damage to trust that it constituted a gross breach of the employee's obligations towards the employer. The Labour Court clarified that union representatives, like all other employees, are required to follow the applicable agreements and report actual hours worked on a day-to-day basis, rather than using standardised reporting methods.
- On 19 January 2026, the government inquiry SOU 2026:3 (in Sw. "*Genomförandet av*

plattformsdirektivet") was published. The inquiry concerns the implementation of Directive (EU) 2024/2831 (the Platform Work Directive). The inquiry proposes an entirely new Swedish Platform Work Act (Sw. *lagen om plattformsarbete*). The proposed act contains provisions on when a person performing platform work is to be considered an employee. It also includes provisions on algorithmic management (management that takes place through or with the support of automated computer systems). These provisions aim to increase transparency in how automated monitoring and decision-making systems are used. The new act is proposed to enter into force on 2 December 2026.

- On 12 November 2025, the Swedish Labour Court (Sw. *Arbetsdomstolen*) ruled in case AD 2025 nr 88 concerning the duty to consult in accordance with Section 11 of the Swedish Co-Determination in the Workplace Act (1976:580) (Sw. *lagen om medbestämmande i arbetslivet*). The case concerned whether a subsidiary could be held liable for damages for breach of the duty to consult when its parent company sold shares. A trade union claimed that the subsidiary was obliged to consult with the trade union on three occasions: (i) when the parent company sold shares in the subsidiary, (ii) when the subsidiary sold its shares in another subsidiary, and (iii) when the subsidiary entered into a supplier agreement with another subsidiary. The Labour Court dismissed claims (ii) and (iii) on procedural grounds, as they had not been subject to dispute consultations under the procedure applicable between the parties. Regarding the main issue of the share sale, the court held that even if a change of ownership may significantly affect employees, the decision was made by the parent company rather than the subsidiary, and the subsidiary had not acted to implement the parent company's decision in a way that would constitute a significant change to its own operations. Consequently, no duty to consult on the sale of shares in the subsidiary had arisen.

Environmental, Social & Governance

- On 17 January 2026, the High Seas Treaty – formally known as the Agreement on Biodiversity Beyond National Jurisdiction (BBNJ) – entered into force. This agreement provides a framework for the common governance of approximately half of the planet's surface and 95% of the ocean's volume, representing the world's largest habitat. The agreement targets the sustainable use of marine biodiversity in international waters. It addresses four main issues: marine genetic resources, including the fair and equitable sharing of benefits; measures such as area-based management tools, including marine protected areas; environmental impact assessments; and capacity building and the transfer of marine technology. The Agreement

has been ratified by over 80 parties, including the EU and several of its Member States (Sweden has not yet ratified the agreement), and signed by 145 countries.

- On 8 January 2026, the European Supervisory Authorities (EBA, EIOPA and ESMA – the ESAs) published their Joint Guidelines on environmental, social, and governance (ESG) stress testing. These guidelines provide national insurance and banking supervisors with guidance on integrating ESG risks into supervisory stress tests, both when using established frameworks and when conducting complementary assessments of ESG risk impacts. Importantly, they do not introduce new requirements for competent authorities to carry out ESG-focused supervisory stress tests.
- On 23 December 2025, Regulation (EU) 2025/2650 was published, amending Regulation (EU) 2023/1115 (the Deforestation Regulation) (Sw. *avskogningsförrordningen*) in order to postpone its application. The Deforestation Regulation will apply from 30 December 2026 for medium and large operators and traders, and from 30 June 2027 for micro and small operators. The amendments also simplify due diligence requirements by making only businesses that first place relevant products on the EU market responsible for submitting due diligence statements. Certain printed products such as books, newspapers and printed pictures are excluded from scope. The Deforestation Regulation, adopted in 2023, aims to combat climate change and biodiversity loss by preventing deforestation linked to EU consumption of commodities including cocoa, coffee, palm oil, soya, wood, rubber, and cattle products.

EU, Competition & FDI

COMPETITION

- On 27 January 2026, the European Commission initiated two proceedings to assist Google in complying with Regulation (EU) 2022/1925 (the Digital Markets Act, DMA). The first concerns Google's obligation to provide third-party developers with free and effective interoperability with Android's hardware and software features. The second concerns Google's obligation to grant third-party online search engine providers access to anonymised ranking, query, click and view data from Google Search on fair, reasonable and non-discriminatory (FRAND) terms. The Commission will conclude the proceedings within six months and communicate its preliminary findings and draft compliance measures to Google within three months.

- On 13 January 2026, Romania's Competition Council imposed fines totalling EUR 32.15 million on Renault, Dacia and six automotive engineering companies in the country's first-ever no-poach sanction. The companies had agreed not to recruit each other's specialised engineering and technical consultancy staff to limit employee mobility and suppress human resource costs. Competition authorities have begun 2026 with a clear focus on labour market issues – specifically, agreements between competitors not to approach or hire each other's employees (commonly known as no-poach agreements) and the enforcement trend extends across the EU. Both Italy and the Netherlands have launched their first no-poach investigations this year. The Netherlands Authority for Consumers and Markets has conducted dawn raids at an IT company, while Italy's Competition Authority is investigating whether several global automated machinery and packaging suppliers conspired with engineering compliance consultancies to avoid hiring each other's technicians.
- On 8 January 2026, the European Commission published responses to its consultation on the DMA review. Contributions show broad support for the DMA's objectives and confirmed tangible benefits. However, respondents identified areas requiring strengthening, including enhanced interoperability, improved data access and portability, and increased SME support. Some called for expanded scope to cover emerging technologies such as AI and cloud services. Gatekeepers criticised the regulation's impact on user experience and raised proportionality concerns. The Commission will assess these contributions for its review report, due by 3 May 2026.

FDI & NATIONAL SECURITY

- On 22 January 2026, the Swedish Inspectorate of Strategic Products (ISP) (Sw. *Inspektionen för strategiska produkter*) published its annual statistics for 2025 on notified foreign direct investments. Last year, the ISP handled almost 2,000 notifications – a 57% increase compared to 2024, indicating an increased awareness of the framework among investors and target companies. The majority (approximately 98%) were left without further action after initial review. The ISP initiated 20 in-depth reviews in 2025. Of these, nine investments were approved (only one with conditions), two were prohibited and eight investments were dismissed after the review was initiated. The majority of notified investments related to target companies conducting essential services, followed by those involved in dual-use products and the processing of sensitive personal data and location data.

- On 15 January 2026, the European Commission announced that it had approved the first wave of defence funding for eight Member States – Belgium, Bulgaria, Croatia, Cyprus, Denmark, Portugal, Romania and Spain – under the Security Action for Europe ('SAFE') initiative. The approval paves the way for the first tranche of low-cost long-term loans to be released, enabling these nations to scale up their military readiness and procure essential modern defence equipment. On 23 December 2025, the Defence mini-omnibus Regulation entered into force. This legal act extends the scope of the Strategic Technologies for Europe Platform ('STEP'), an EU initiative to fund critical technologies, to encompass a fourth sector: defence technologies. Together, these legal developments create new opportunities and incentives to support defence-related investments, signalling a markedly increased focus on the defence sector at European level.
- On 9 January 2026, the European Commission published Guidelines under Regulation (EU) 2022/2560 (the Foreign Subsidies Regulation, FSR). The purpose of the guidelines is to provide greater predictability and ensure transparency for companies navigating the FSR. The guidelines set out shared expectations for responsible decision-making to enable investments to proceed transparently. The guidelines clarify several concepts, such as how the Commission determines whether there is a distortion of competition caused by a foreign subsidy by using a two-step approach. The guidelines also clarify how distortive effects are balanced against any positive effects of a foreign subsidy, including examples of the relevant evidence that can be submitted, and illustrate how the Commission will carry out the balancing test. The guidelines also clarify the Commission's power to request prior notification of below-threshold cases and introduce new safe harbours from the use of the call-in power.
- 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.

Family Offices & Foundations

- On 15 January 2026, the European Commission published that it seeks input for venture and growth capital funds reform. The European Commission is seeking feedback on obstacles faced by EU venture and growth capital funds and on possible measures to address them. To that end, the Commission has opened two consultations: a targeted consultation addressing key stakeholders such as fund managers, businesses, institutional investors as well as public authorities and supervisors, and a public consultation where anybody can contribute. The input will support the Commission's policy work under the savings and investments union and the startup and scaleup strategy, in particular the efforts to improve access to finance for innovative companies in the EU.

Financial Services

FINTECH & PAYMENTS

- On 27 January 2026, the European Central Bank announced that it paves way for acceptance of DLT-based assets as eligible Eurosystem collateral. The Eurosystem will accept marketable assets issued in CSDs using DLT-based services as eligible collateral for Eurosystem credit operations as of 30 March 2026. Like other marketable assets, they

must comply with Eurosystem collateral eligibility criteria and collateral management requirements. These criteria include availability for settlement in eligible securities settlement systems, which must be compliant with the CSD Regulation and reachable via TARGET2-Securities (T2S). These assets will be mobilised as collateral in line with the Eurosystem's existing collateral management practices, like any other marketable asset.

- On 27 November 2025, the European Parliament published a press release informing that the Parliament and Council negotiators have agreed on a new Payment Services Regulation and a third Payment Services Directive. This updated regulatory framework will, among other things, enhance harmonisation of payment services throughout the EU, enhance consumer protection in relation to payment fraud, impose obligations on otherwise unregulated technical service providers (who are not themselves licenced as payment institutions), and require that payment service users be granted access to human customer support (not only chatbots). The agreed text must be formally adopted by Parliament and Council. This is expected to occur during Q1 2026, after which there will be an 18-month period before the adopted texts begin to apply.
- On 14 October 2025, the European Banking Authority (EBA) published a report on white-labelling, primarily relating to banking services. The report identifies white-labelling as a widespread business model used by 35 % of the banks responding to the EBA's request for advice. The EBA notes that white-labelling can benefit financial institutions, partners and consumers by providing a wider range of financial services at lower cost, while also fostering financial inclusion. White-labelling can also result in risks such as a lack of transparency towards consumers as to precisely with whom they are contracting, as well as challenges for supervisory authorities to effectively monitor the white-label activities.

GENERAL

- On 15 January 2026, the Swedish Parliament passed a legislative bill to criminalise unauthorised financial activities. Effective from March 2026, intentional or grossly negligent conduct of licensable financial activities without the proper authorisation will be punishable by a personal fine or imprisonment of up to two years, or in aggravated cases, up to six years. For activities conducted by legal entities, the criminal liability extends to formal representatives (managing director and board members) as well as persons who have *de facto* control over the legal entity through contractual or other arrangements. The criminalisation is not exclusive to Swedish nationals and can potentially apply to foreign persons as well, if they conduct licensable activities

in Sweden without obtaining the necessary financial service authorisation.

- On 14 January 2026, a Memorandum of Understanding (MoU) was reached between the European Supervisory Authorities (European Banking Authority, European Insurance and Occupational Pensions Authority and European Securities and Markets Authority) and the UK Financial Authorities (Bank of England, Prudential Regulation Authority and Financial Conduct Authority). The MoU establishes a framework for cooperation, information exchange, and coordination of oversight activities concerning critical ICT third-party service providers, governed (in the EU) by Regulation (EU) 2022/2554 (the Digital Operational Resilience Act, DORA) and (in the UK) by the Financial Services and Markets Act 2000. Key areas of cooperation include coordination of oversight activities for providers operating across both jurisdictions, assistance with on-site inspections, notification mechanisms for infringement cases, and fostering cooperation in emergency situations to develop best practices for ICT risk management, mitigation measures, and incident responses.
- On 18 December 2025, the Swedish government submitted a legislative proposal to the Swedish Legislative Council (Sw. *Lagrådet*) for comments. The proposal seeks to amend existing rules on mortgage caps and amortisation requirements on consumer mortgages, with a proposed effective date of 1 April 2026. The proposal includes an increase of the mortgage cap to 90 % (from the current 85 %) for new mortgages, while also lowering the cap to 80% in the case of loans taken out to extend an existing mortgage. The proposal also seeks to ease the current amortisation rules in cases where the borrower's mortgage exceeds 4.5 times their gross annual income, by removing the increased amortisation requirement that currently applies in such cases.

REGULATORY CAPITAL

- On 29 January 2026, the European Banking Authority (EBA) launched a public consultation on draft amendments to its Guidelines on the appropriate subsets of sectoral exposures to which competent or designated authorities may apply a systemic risk buffer (Sw: *systemriskbuffert*) (EBA/GL/2020/13). The revised Guidelines aim to facilitate a more effective use of the systemic risk buffer to address systemic risks stemming from climate change. More specifically, the draft revised Guidelines introduce greater granularity in identifying exposures subject to physical and transition risks related to climate change, through enhanced sectoral and geographical classifications. The amendments also incorporate lessons learned

from the implementation of existing systemic risk buffer measures across Member States, with the objective of improving their design, monitoring and reciprocation. The deadline for the submission of comments is 30 April 2026.

- On 9 January 2026, the European Banking Authority (EBA) released its final Guidelines on ancillary services undertakings (ASU) under the Capital Requirements Regulation (CRR). The Guidelines are designed to enhance the efficiency and proportionality of the prudential consolidation framework, promote a level playing field, foster convergence of supervisory practices among institutions and competent authorities, and improve comparability of prudential requirements across the EU. The Guidelines on ancillary services undertakings set out criteria for identifying activities falling within the definition of ancillary services undertakings under Article 4(1)(18) of the CRR, namely: (a) activities considered a “direct extension of banking”, (b) activities “ancillary to banking”, and (c) “other similar activities”. The provided criteria are designed to help institutions and competent authorities identify undertakings performing relevant activities – such as operational leasing, ownership or management of property or data processing services - as ancillary services undertakings. This assessment is essential for determining the scope of prudential consolidation and the application of prudential requirements. The Guidelines also address innovative and digital business models, including fintech and technology-driven services, which may introduce new forms of ancillary risks within banking groups.
- On 8 January 2026, the European Supervisory Authorities (EBA, EIOPA and ESMA - the ESAs) published their Joint Guidelines on environmental, social, and governance (ESG) stress testing. These Guidelines provide national insurance and banking supervisors with guidance on how to integrate ESG risks into supervisory stress tests, both when using established frameworks and when conducting complementary assessments of ESG risk impacts. The Guidelines set common standards for embedding ESG risks into stress testing methodologies across the EU’s financial system. They provide guidance on designing ESG-inclusive stress tests and outline the necessary organisational and governance arrangements. The Guidelines are designed to support a consistent, long-term approach to ESG stress testing while allowing flexibility to accommodate future methodological advances and improvements in data availability. Importantly, they do not introduce new requirements for competent authorities to carry out ESG-focused supervisory stress tests.

Intellectual Property & Marketing

INTELLECTUAL PROPERTY RIGHTS

- On 1 January 2026, the amendments to the Swedish Trade Secrets Act (2018:558) (Sw. *lagen om företagshemligheter*) entered into force. The amendments are made pursuant to legislative bill prop. 2024/25:208 (Sw. *Ett mer heltäckande straffansvar vid angrepp på företagshemligheter*). The amendments aim to bolster the protection for companies’ and research institutions’ trade secrets through more comprehensive criminal liability for unlawful use of trade secrets. Importantly, it now constitutes a criminal offence to unlawfully exploit or disclose trade secrets even when a person already has lawful access to them (for instance, through employment). This was not the case under the previous law.
- On 4 December 2025, the Court of Justice of the EU delivered its highly anticipated ruling in the joined cases C- 580/23 and C- 795/23 *Mio/Konektra* on copyright protection for works of applied art (Sw. *brukskonst*). One of the cases (*Mio*) was referred by the Swedish Patent and Market Court of Appeal (Sw. *Patent- och marknadsöverdomstolen*) and concerns infringement of the design of a table. The Court of Justice ruled on three main copyright issues. First, the court reiterated the fundamental concepts of originality and confirmed that it is the sole criterion for protection – even for objects of applied art. Secondly, on proving copyright subsistence, the court held that originality cannot be presumed and depends on demonstrating “free and creative choices reflecting the personality of the author”. The author’s subjective intentions are irrelevant – only what is expressed in the work matters. Thirdly, regarding infringement assessment, the court emphasised a “recognisability” safeguard, requiring that copied original choices be recognisable in the allegedly infringing work. Although this approach is somewhat clarifying, it is unclear according to whom such recognisability should be assessed.
- On 12 November 2025, the General Court of the EU ruled in case T-252/24 *LG Electronics, Inc. v EUIPO* concerning a declaration of invalidity of a registered EU figurative trademark. Invalidity was sought by the applicant due to lack of distinctiveness of the trademark, particularly due to the descriptive word element “washtower” dominating the mark. On appeal, the General Court found the whole trademark to be descriptive and lacking distinctiveness. The court found that the figurative element of the contested trademark was “not capable of distracting the relevant public from the descriptive message conveyed by the word element”. The outcome – contrary to the assessments by EUIPO’s Cancellation Division and Board of Appeal – is of interest for the already extensive case-law concerning descriptive trademarks. The judgment is particularly helpful for

assessing how it is possible to stylise a descriptive word element in order to ensure distinctiveness of a trademark.

MARKETING & CONSUMER PROTECTION

- On 21 January 2026, the Swedish Legislative Council (Sw. *Lagrådet*) presented its opinion on the proposed entirely new Consumer Credit Act (Sw. *konsumentkreditlagen*), implementing Directive (EU) 2023/2225 (the Consumer Credit Directive II). Important news includes regulations on information disclosure, marketing practices, and caps on interest rates and costs, alongside a new licensing requirement that will subject more credit providers and intermediaries to supervision and mandate sufficient knowledge and competence standards. The new Consumer Credit Act and accompanying legislative amendments are proposed to enter into force on 20 November 2026. The legislative bill is expected on 3 March 2026.
- On 19 January 2026, the government inquiry SOU 2025:124 (in Sw. “*Åtgärder för en mer hållbar konsumtion*”) was published. The inquiry concerns the implementation of two EU directives – Directive (EU) 2024/825 (the Empowering Consumers Directive) and Directive (EU) 2024/1799 (the Repair Directive) – both part of the EU Green Deal. The proposals include explicit amendments to prevent misleading environmental claims in marketing and requirements to provide clearer pre-contractual information about defect liability and manufacturer guarantees. Further, certain warranties will be extended and transparency requirements on repair information will be introduced. Additionally, a new law on consumer goods repair will be introduced covering specific electronics goods, obliging manufacturers to repair products upon consumer request for a reasonable fee, while prohibiting contractual terms and technology that prevent repairs. The legislative changes are proposed to enter into force on 1 January 2027.
- On 3 December 2025, the Swedish Consumer Ombudsman (Sw. *Konsumentombudsmannen*) initiated a group action against the Swedish subsidiary of a Norwegian bank. The action follows a supervisory action and subsequent judgment rendered by the Swedish Patent and Market Court (Sw. *Patent- och marknadsdomstolen*) in May 2025 (case no. PMT 7494-24). The Patent and Market Court determined that leasing terms applied by the subsidiary were unfair. As a result of the judgment, the Consumer Ombudsman filed a group action with the Swedish National Board for Consumer Disputes (Sw. *Allmänna reklamationsnämnden*, ARN). According to a press release, the action concerns approximately 50,000 consumers and the authority is seeking repayment of leasing fees that were increased in accordance with the (unfair) leasing

terms. Potentially, the total repayment claims amount to billions of SEK. From what is generally known, this is the second time in the authority’s history that a group action has been filed, making the move highly significant. Such an enforcement trend can significantly increase the risks of non-compliance with consumer protection laws.

Real Estate & Environment

- On 29 January 2026, the Swedish government referred a proposal to the Swedish Legislative Council (Sw. *Lagrådet*) on a more flexible rental housing market. The proposal aims to create a more flexible rental market and increase access to housing. A new Private Rental Act (Sw. *privatuthyrningslag*) is proposed, introducing more accessible rules for natural persons letting their homes, with expanded letting opportunities and greater freedom in rent-setting. The possibilities for subletting tenant-owner apartments (Sw. *bostadsrätter*) are proposed to be expanded. A clearer demarcation between second-hand lettings and lettings to lodgers (Sw. *inneboende*) is also proposed. The proposal introduces a regulatory framework to address companies’ need for staff housing and to facilitate shared housing. The proposal also includes mechanisms to prevent abuse, proposes to increase compensation to rental intermediaries (Sw. *hyresförmedlare*) and link it to the price base amount, and proposes to introduce leave to appeal (Sw. *prövningstillstånd*) in cases concerning repayment of rent. The legislative amendments are proposed to enter into force on 1 July 2026.
- On 29 January 2026, the Swedish government sent a proposal to the Swedish Legislative Council on a new Act on Rent-to-Own Housing (Sw. *lagen om hyrköp av bostad*). The proposal introduces a new law on rent-to-own housing whereby a seller undertakes to sell a property within a specified period and the rent-to-own buyer receives the right to use the property during that period. The law aims to make it possible for more people to own their homes. A notable feature is that binding undertakings for the sale of real property can now be made for real property and leaseholds, not only for tenant-owner apartments (Sw. *ägarlägenheter*). The proposed law covers tenant-owner apartments, condominium apartments (Sw. *bostadsrättslägenheter*) and small houses (Sw. *småhus*). A rent-to-own agreement must be in writing and set out the rent-to-own object, the option terms, and the rent-to-own charge. The seller must provide clear information before the agreement is entered into and must notify the registration authority or tenant-owner association. The rent-to-own buyer has the right to terminate the agreement with three months’ notice, whilst

the seller may terminate early only in the case of material breach. The proposal also includes improvements to the system of tenant-owner apartments, including the possibility for joint property associations to seek court orders requiring owners who seriously neglect their obligations to sell their apartments. The legislative amendments are proposed to enter into force on 1 July 2026.

- On 4 December 2025, the Swedish government sent a proposal to Swedish Legislative Council (Sw. *Lagrådet*) on the extension of the Swedish Protective Security Act's (2018:585) (Sw. *säkerhetskänslig verksamhet*) transfer provisions to cover real estate. Anyone conducting security-sensitive activities (Sw. *säkerhetskänslig verksamhet*) who wishes to transfer real property, significant to national security, must conduct a security assessment and suitability test and consult the supervisory authority before the transfer. The supervisory authority may also prohibit transfers considered unsuitable. The rules will cover transfers of ownership through property formation (Sw. *fastighetsbildning*), requiring the same security assessment, suitability test, and consultation procedures. The aim is to reduce the risk of real property being acquired to harm national security. A transfer of real property under the Swedish Land Code (1970:994) (Sw. *jordabalken*) will be void if it violates a prohibition, whereas a property formation decision will remain valid even if it violates a prohibition. The legislative amendments are proposed to enter into force on 1 July 2026.

In-Depth

Sweden adapts to the AI Act and NIS2 Directive

This article examines two EU regulatory frameworks being implemented in Sweden at the moment, marking a significant shift in how Swedish companies must approach their use of artificial intelligence and cybersecurity.

Regulation (EU) 2024/1689 (the AI Act) (Sw. *AI-förordningen*) adopts a risk-based approach categorising AI systems into different categories, of which “high-risk” systems are subject to stringent regulatory obligations. The implementing guidance specifying practical requirements for ‘high-risk’ AI systems had not been published by the prescribed deadline of 2 February 2026, and as of the date of this digest, no publication date has been confirmed.

The Digital Omnibus package on AI proposes amendments that would defer the application of high-risk rules. Under the proposed amendments, Annex III requirements under the AI Act would become applicable no later than 2 December 2027 (deferred from 2 August 2026), whereas Annex I requirements under the AI Act would apply by 2 August 2028 (deferred from 2 August 2027).

Notwithstanding these EU-level delays and irrespective of the proposed Digital Omnibus package on AI, Sweden is progressing with national preparations. A comprehensive review of Sweden’s legislative adaptations under the AI Act has been published in SOU 2025:101, with national supplementary provisions proposed to enter into force on 2 August 2026.

The proposal establishes a market surveillance system comprising several authorities. The Swedish Post and Telecom Authority (PTS) (Sw. *Post- och telestyrelsen*) will serve as the primary market surveillance authority for the AI Act. Responsibility for high-risk AI systems will be shared with other surveillance authorities, including the Swedish Authority for Privacy Protection (IMY) (Sw. *Integritetsskyddsmyndigheten*), the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*), and other sectoral authorities, each responsible within their respective areas of competence. Moreover, IMY

is proposed to hold primary responsibility for market surveillance of AI systems falling under the prohibited AI practices provisions. The review also presents an administrative sanctions system for violations of the regulation, applicable to public authorities that violate the regulation.

Directive (EU) 2022/2555 (the NIS2 Directive), adopted to achieve a higher level of cybersecurity across the EU, has been implemented into Swedish law primarily through the new Cybersecurity Act (2025:1506) (Sw. *cybersäkerhetslagen*). From 2 February 2026, entities are obligated to notify the Swedish Civil Defence and Resilience Agency (MCF) (Sw. *Myndigheten för civilt försvar*) of their operations. The notification portal is now operational and guidance on reporting obligations has been published.

It should be noted that the proposed Digital Omnibus package may introduce modifications to certain provisions of the NIS2 Directive and the Cybersecurity Act.

As these regulatory frameworks develop, Swedish entities face a transitional period characterised by regulatory uncertainty due to delayed guidance, proposed amendments under the Digital Omnibus packages, and evolving implementation timelines. Entities should monitor developments closely and prepare compliance frameworks based on the currently available requirements.

Astrid Svensson



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