

# G&D Monthly Digest

May 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. Please [click here](#) if you are interested in subscribing to the G&D Monthly Digest.

## Data & Tech

### ARTIFICIAL INTELLIGENCE

- On 1 April 2026, the Swedish Patent and Market Court (*Sw. Patent- och marknadsdomstolen*) ruled in case no. PMT 13029-25. The case concerned a supervisory action mainly regarding the provision of customer service. For the first time in Swedish law, answers delivered by a customer service chatbot were considered to constitute marketing. As such, it is now confirmed that false information in an automated chat can constitute misleading marketing. In the case, the Patent and Market Court found one, out of three, messages delivered by the customer service chatbot to be misleading since it wrongfully stated that there were no available means to contact the company's customer service by phone.

- On 5 March 2026, the European Commission published a second draft Code of Practice to assist providers and deployers of AI systems in complying with the marking and labelling requirements under Article 50 of Regulation (EU) 2024/1689 (the AI Act) (*Sw. AI-förordningen*). Drawing on feedback from hundreds of stakeholders, including industry, academia, civil society, Member States and European Parliament representatives, the revised draft has been streamlined to reduce the compliance burden while promoting open standards and a common EU labelling icon. The code is divided into two sections. The first addresses the marking and detection of AI-generated content for providers of generative AI systems, with improved flexibility and clarity. The second targets deployers and focuses on labelling deepfakes and AI-generated text on matters of public interest, taking a more flexible and practice-oriented approach. Finalisation is expected by early June 2026, ahead of the transparency rules becoming applicable on 2 August 2026.

- On 20 February 2026, the Swedish government presented its AI Strategy, including an action plan,

with the stated ambition of making Sweden one of the world's top ten nations in AI. The strategy spans a broad range of areas, including increased AI adoption across the public sector and new legislation to facilitate efficient data sharing within public administration. Among the measures outlined, the government plans to appoint a national AI coordinator focused on Swedish language models and rights issues and to prioritise AI in international research collaborations. Subsequently, on 26 February, the government instructed the Swedish Agency for Digital Government (*Sw. Myndigheten för digital förvaltning, Digg*) and the Swedish Post and Telecom Authority (*Sw. Post- och telestyrelsen, PTS*) to support the implementation of the strategy.

### PRIVACY

- On 16 April 2026, the European Data Protection Board (EDPB) (*Sw. Europeiska dataskyddsstyrelsen*) adopted guidelines on the processing of personal data for scientific research purposes, adopted two Opinions on the Europrivacy certification criteria, and established a dedicated "sprint team" to accelerate the finalisation of its forthcoming guidelines on anonymisation, with the aim of completing the work by the summer. Regarding scientific research, the guidelines aim to facilitate compliance with Regulation (EU) 2016/679 (the GDPR) (*Sw. dataskyddsförordningen*) by setting out six key indicative factors for determining whether processing qualifies as scientific research. The guidelines are subject to public consultation until 25 June 2026. Regarding Europrivacy, the EDPB approved an updated set of Europrivacy certification criteria as a European Data Protection Seal pursuant to Article 42(5) of the GDPR, extending the scheme's scope to controllers and processors outside Europe subject to Article 3(2) of the GDPR. In addition, the EDPB for the first time adopted an Opinion recognising the Europrivacy criteria as a European Data Protection Seal to be used as a transfer tool pursuant to Articles 42 and

46 of the GDPR, enabling data importers outside Europe that are not subject to the GDPR to certify in respect of personal data transfers they receive.

- On 14 April 2026, the EDPB adopted a template for Data Protection Impact Assessments (DPIAs) (Sw. *konsekvensbedömningar avseende dataskydd*) under the GDPR, complemented by an explainer document providing concise guidance on how to complete the template effectively. A DPIA is required where processing is likely to result in a high risk to individuals' rights and freedoms, and serves to describe how personal data will be processed, assess whether the processing is necessary and proportionate, and identify and mitigate associated risks. While use of the EDPB template is not mandatory, it offers predefined fields designed to prompt complete and structured responses, thereby reducing the risk of errors and facilitating consistent GDPR compliance across organisations. The template is subject to public consultation until 9 June 2026, following which all data protection authorities are expected to initiate the steps necessary to adopt the template either as their sole standard or as a meta-template to which national templates will align.
- On 25 March 2026, the Swedish Labour Court (Sw. *Arbetsdomstolen*) ruled in case AD 2026 nr 27 concerning an employer's handling of criminal records. The case arose when an employer requested an employee to hand over a sealed envelope containing a criminal record extract, which was read by the employee's manager. The court's majority found that the employer's handling of the extract was purely manual and that there was no indication that the data would be entered into any filing system. The court accordingly concluded that the handling of the criminal record extract and the personal data it contained fell outside the material scope of Article 2(1) of Regulation (EU) 2016/679 (the GDPR) (Sw. *dataskyddsförordningen*), as it did not constitute processing forming part of a filing system. Accordingly, the employer had not processed personal data in breach of the GDPR. Notably, the court's majority rejected a request for a preliminary ruling from the Court of Justice of the EU.
- On 18 March 2026, the Swedish Labour Court (Sw. *Arbetsdomstolen*) ruled in case AD 2026 nr 23 concerning whether a non-solicitation clause in an employment contract falls within the scope of the 2015 collective agreement on the use of non-compete clauses (Sw. *2015 års avtal om användning av konkurrensklausuler i anställningsavtal*). An employer brought a claim against a former employee for breach of a contractual clause prohibiting solicitation of the employer's clients for competing purposes within six months following the termination of employment. The former employee argued that the clause constituted a non-compete clause within the meaning of the 2015 agreement and that the dispute should therefore be referred to the joint arbitration panel established under that agreement. The Labour Court, relying on the literal wording of the 2015 agreement and the parties' joint commentary to the agreement, held that the parties had drawn the boundary of the agreement's scope based on the type of clause in question, rather than its competitive restriction effects or purpose. Non-solicitation clauses of this kind do not fall within the 2015 agreement, irrespective of their breadth or restrictive effect. The former employee's case was dismissed.
- 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.

## Employment & Incentives

- On 26 March 2026, the Swedish government communicated that it seeks to renegotiate Directive (EU) 2023/970 (the Pay Transparency Directive) (Sw. *lönetransparensdirektivet*). The directive is, in the government's view, far too administratively burdensome and at risk of undermining its objective to address unjustified pay gaps. The government further intends to work towards postponing the date of implementation of the directive and to initiate a renegotiation with the aim to simplify its rules. This position was announced approximately one week after the government had been expected to present

the legislative bill transposing the Pay Transparency Directive. It is now highly uncertain when the directive can be transposed into Swedish law.

## Environmental, Social & Governance

- On 29 April 2026, the European Securities and Markets Authority (ESMA) launched a public consultation on draft guidelines on endorsement under Regulation (EU) 2024/3005 (the ESG Ratings Regulation). The ESG Ratings Regulation provides that EU-authorized ESG rating providers may endorse ratings issued outside the EU. The draft guidelines set out ESMA's proposed approach to the endorsement of non-EU ESG ratings and aim to support the consistent application of the endorsement regime, in particular by providing

guidance on the information to be submitted as part of an endorsement application. The consultation is open until 29 May 2026, following which ESMA will assess the responses and finalise the guidelines, with adoption expected before the end of July 2026.

- On 9 February 2026, the European Commission adopted new measures under Regulation (EU) 2024/1781 (the Ecodesign for Sustainable Products Regulation, ESPR) to address the destruction of unsold apparel, clothing accessories, and footwear. Each year, an estimated 4–9 % of unsold textiles in Europe are destroyed before use, generating approximately 5.6 million tonnes of CO<sub>2</sub> emissions – comparable to Sweden’s total net emissions in 2021. Under the ESPR, companies are required to disclose the volumes of unsold consumer products they discard. The newly adopted delegated and implementing acts complement these requirements by specifying the limited circumstances in which destruction will be permitted and introducing a standardised disclosure format. A ban on the destruction of unsold apparel, clothing accessories, and footwear will apply to large companies from 19 July 2026, with medium-sized companies following in 2030. Companies are encouraged to explore alternatives to destruction, including resale, remanufacturing, donations, and reuse.
- 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.

## EU, Competition & FDI

### COMPETITION

- On 16 April 2026, the European Commission adopted a revised Technology Transfer Block Exemption Regulation (TTBER) and revised guidelines on the application of Article 101 of the Treaty on the Functioning of the European Union (TFEU) to technology transfer agreements. The revised guidelines replace the rules in

force since 2014 and apply when a holder of technology rights, such as patents, design rights or software copyrights, licenses another undertaking to use those rights. The key changes address developments in the digital economy: the revised guidelines introduce a new section on the competitive assessment of data licensing for production purposes and a new section on licence negotiation groups (arrangements whereby technology implementors jointly negotiate licence terms with technology rights holders) clarifying the conditions under which such groups may or may not restrict competition. The revised rules entered into force on 1 May 2026.

- On 27 March 2026, the Swedish Competition Authority (Sw. *Konkurrensverket*) announced the closure of its investigation into whether Lantmännen, Dataväxt, and Agronod had breached the prohibition on abuse of a dominant position or the prohibition on anti-competitive agreements. Dataväxt, 95 % owned by Lantmännen, operates a farm management system through which farmers report data sought after by providers of climate calculation tools. Lantmännen also holds an ownership interest in Agronod, a provider of a climate calculation tool. The Competition Authority had identified facts suggesting that Dataväxt and Lantmännen had denied certain operators direct access to data, referring them to Agronod instead. During the investigation, Lantmännen gave assurances that future requests would be referred directly to Dataväxt, and that Dataväxt would offer direct access to data on fair, reasonable, and non-discriminatory terms. In light of these assurances, the Competition Authority concluded that a further investigation was not warranted.
- On 26 March 2026, the Competition Authority published its supervisory report for 2025. In the area of competition supervision, the authority issued eleven decisions in cases prioritised for more detailed examination. Of these, three resulted in intervention in the form of a competition fine, two were closed following a change in behaviour, and six were concluded without action. During 2025, 95 concentrations were notified, of which one was a voluntary notification. The Competition Authority also concluded 95 concentration cases during the year, clearing 93 without action in Phase 1. In the remaining two cases, an in-depth investigation was initiated and both were subsequently approved. Average processing times in competition supervision increased in 2025, driven primarily by a number of complex cases requiring significant resources. By contrast, the average processing time for concentrations decreased compared with 2024.

## FDI & NATIONAL SECURITY

- On 12 March 2026, the Swedish government presented legislative bill prop. 2025/26:182 (Sw. *Utökade möjligheter att ingripa i säkerhetskänslig verksamhet*). Under the proposal, supervisory authorities will be afforded greater scope to act against procedures not subject to the requirements for security protection agreements (Sw. *säkerhetsskyddsavtal*) under the Swedish Security Protection Act (2018:585) (Sw. *säkerhetsskyddslagen*), when such procedures nonetheless expose protected interests to risk. The bill further proposes a notification obligation requiring operators to notify the relevant supervisory authority without delay where an ongoing procedure entails the other party gaining access to security-classified information or involves other security-sensitive activities of equivalent significance to Sweden's security, and the procedure is not already subject to the requirement for a security protection agreement. Supervisory authorities will be entitled to impose an administrative fine for non-compliance with the notification obligation.
- On 9 March 2026, the Swedish Inspectorate of Strategic Products (ISP) (Sw. *Inspektionen för strategiska produkter*) published an overview of Swedish exports of military equipment in 2025. Exports amounted to just over SEK 28 billion (comparable to 2024 levels and historically very high). The prevailing security environment and ongoing global rearmament are having a considerable impact on the production and export of military equipment, with the number of Swedish companies manufacturing and selling such equipment having tripled since 2018. Just over 80 % of exports in 2025 went to the 39 countries designated by the government as established partners in the field of defence and security policy, with the United States as the largest recipient, followed by Hungary and Brazil.
- On 26 February 2026, the Swedish government presented a proposal for a modernised regulatory framework for military equipment, driven by Sweden's NATO membership. Central measures include empowering the government to exempt certain manufacturing activities from licensing requirements under the Swedish Military Equipment Act (1992:1300) (Sw. *lagen om krigsmateriel*). The proposal also introduces a requirement for a licence under the Swedish Weapons Act (1996:67) (Sw. *vapenlagen*) for the manufacture of firearms not already covered by a licence under the Military Equipment Act, as a measure to combat illegal arms manufacturing. The maximum penalty for serious offences would be increased from four to six years' imprisonment and the maximum penalty fee from SEK 200,000 to SEK 1,000,000. Confidentiality would apply to information concerning software, technology and technical assistance subject to

export controls, unless disclosure is clearly without risk of the material being used for criminal purposes. The amendments are proposed to enter into force on 1 July 2026.

## Family Offices & Foundations

- On 2 March 2026, the European Commission opened a targeted consultation on private equity exits. The background relates to the findings of the 2024 Draghi report and the Commission's subsequent Savings and Investments Union agenda. A critical challenge facing this agenda is the growing trend of companies choosing to remain private for longer, which creates significant exit difficulties for private equity and venture capital investors. To address these structural weaknesses, the Commission is preparing a legislative initiative on venture and growth capital funds, due in 2026, aimed at enhancing the scale and cross-border competitiveness of fund managers. Further measures to strengthen the private financing ecosystem are being considered, with the ultimate goal of improving access to capital and supporting EU economic competitiveness.
- 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.
- 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.

## Financial Services

### FINTECH & PAYMENTS

- On 17 April 2026, the European Securities and Markets Authority (ESMA) issued a statement clarifying supervisory expectations ahead of the end of the transitional period under Regulation (EU) 2023/1114 (MiCA) (Sw. *EU:s förordning om marknader för kryptotillgångar*), which will officially expire across the EU on 1 July 2026. After that date, any entity providing crypto-asset services (CASP) to EU clients without a MiCA licence will be in breach of EU law and must cease offering such services. ESMA expects unauthorised CASPs to have operational and immediately executable wind-down plans in place ahead of that date, and authorised CASPs to actively manage the migration of existing EU clients before 1 July 2026 in compliance with applicable AML/CFT requirements. ESMA also reminds market participants that entities established outside the EU are, outside the narrow exception of reverse solicitation, not permitted to provide MiCA services to EU clients.
- On 8 April 2026, the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*) announced the appointment of industry participants to the reference group for the first guidance project under FI's Innovation Compass (Sw. *Innovationskompass*). The project concerns the reliability of automated and AI-based methods for ESG data, and will be conducted in the form of workshops within the reference group, with a focus on identifying concrete questions and challenges related to the use of such data, for example in the context of external sustainability reporting or in companies' assessment and management of sustainability risks. The work of the reference group commenced on 16 April 2026 and will run until June 2026, after which an analysis phase will follow, with publication of the conclusions planned for after the summer of 2026.
- On 31 March 2026, the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*) announced that it will apply the European Securities and Markets Authority's (ESMA) guidelines on knowledge and competence requirements for crypto-asset service providers under Regulation (EU) 2023/1114 (MiCA) (Sw. *EU:s förordning om marknader för kryptotillgångar*). The guidelines have been developed to clarify the criteria for

assessing the knowledge and competence of staff at crypto-asset service providers and provide guidance to help such providers fulfil their obligations to act in the best interests of their clients. The guidelines apply from 28 July 2026.

### GENERAL

- On 22 April 2026, the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*) published its 2026 Consumer Protection Report, identifying four priority risks facing consumers: fraud, financial exclusion, shortcomings in lending practices, and unsuitable savings and insurance products. In the report, FI proposes legislative action in several areas. To alleviate concerns regarding financial exclusion, FI is examining whether a statutory requirement should be introduced compelling banks to always assess whether the risk of money laundering can be managed through alternative risk-reducing measures before denying or closing a consumer's account, pending analysis of how this interacts with the new EU Anti-Money Laundering Regulation (AMLR) applicable from July 2027. Regarding unsuitable savings and insurance products, FI reiterates its call for the Swedish government to appoint an inquiry to develop measures to counter conflicts of interest in the savings market, including a thorough consequence analysis of various options (including a complete ban on commissions) as well as the introduction of a standardised cost template covering both distribution and product costs.
- On 17 April 2026, the European Banking Authority (EBA) published its response to the European Commission's consultation on strengthening the competitiveness of the EU banking sector, previously reported in this Digest, providing evidence-based analysis of the banking sector's resilience, the state of the Single Market and Banking Union, and the complexity and effectiveness of the current regulatory framework. Building on the EBA's October 2025 Report on the efficiency of the regulatory and supervisory framework (which set out 21 recommendations to simplify the banking rulebook) the EBA emphasises that competitiveness can be enhanced through targeted simplification, subject to four key principles: maintaining resilience and international credibility by staying committed to Basel III standards; enabling banks to fully benefit from the Single Market; preserving and deepening the Single Market and the Banking Union; and ensuring an EU-wide level playing field, with proportionality adjustments that avoid fragmentation of the rulebook. The EBA's response will feed into the European Commission's forthcoming report on EU banking competitiveness.
- On 16 April 2026, EBA published a draft technical package for version 4.3 of its reporting framework,

covering anti-money laundering (AML) reporting and reporting for third-country branches (TCB). The draft package introduces two new reporting requirements: (i) new Implementing Technical Standards (ITS) on the supervisory reporting of third-country branches pursuant to Article 481(1) of the Capital Requirements Directive (CRD), with a first reference date of 31 March 2027; and (ii) a Data Point Model (DPM) and taxonomy supporting the methodology to identify obliged entities falling under the direct supervision of the Anti-Money Laundering Authority (AMLA), with a first reference date of 31 December 2026. The early release is intended to provide reporting entities with additional implementation time ahead of the final publication, scheduled for June 2026.

Directive, CRD VI) introduced by the EU's second banking package. The proposals include new requirements for third-country branches and certain financial holding companies, provisions on information to be provided in connection with a special procedure for management assessments, amendments to the rules on risk management, internal governance and control, and requirements to develop ESG-related specific plans. FI also proposes further regulatory amendments beyond those stemming from the banking package, including as a result of changes to Directive (EU) 2019/2034 (the Investment Firms Directive). The proposals are mainly intended to enter into force on 1 July 2026, with certain proposals entering into force on 11 January 2027.

## REGULATORY CAPITAL

- On 28 April 2026, the European Banking Authority (EBA) published the 2026 update of its list of closely correlated currencies, which is used for the calculation of capital requirements for foreign exchange risk under the standardised approach pursuant to Article 354 of Regulation (EU) No 575/2013 (the Capital Requirements Regulation, CRR). The update has been carried out in accordance with the methodology and procedure set out in the applicable Implementing Technical Standards (ITS), and the revised list has been submitted to the European Commission for endorsement.
- On 23 April 2026, EBA published an Opinion on the European Commission's proposed amendments to the EBA's draft Regulatory Technical Standards (RTS) on operational risk requirements under the CRR, following the Commission's notification of its intention to endorse the RTS, submitted by EBA in 2025, with amendments. While EBA supports the Commission's amendments aimed at improving readability and legal certainty, it raises concerns regarding two of the proposed changes: first, a provision that would allow institutions to combine two different calculation approaches when determining the financial component of the business indicator, which EBA considers inconsistent with the Basel standard and likely to increase complexity and facilitate regulatory arbitrage; and second, a limitation on notification obligations to competent authorities to material changes only, which EBA considers risks weakening supervisory effectiveness. EBA invites the European Commission to reconsider the two contested amendments.
- On 20 March 2026, the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*) proposed several new regulations and amendments to existing regulations as a result of Directive (EU) 2024/1619 (the revised Capital Requirements

## Gaming

- On 29 April 2026, the Swedish Gambling Authority (Sw. *Spelinspektionen*) adopted new rules governing how licence holders are required to conduct checks against the national self-exclusion register, Spelpaus.se, pursuant to Chapter 12, Section 1 of the Swedish Gambling Act (2018:1138) (Sw. *spellagen*). Under the new rules, licence holders must use their unique connection credentials assigned by Spelinspektionen and perform the check against the applicable application programming interface (API), with a check being considered completed once it has established whether the relevant person is self-excluded from gambling or not. The rules enter into force on 1 August 2026.
- On 1 January 2026, the authorisation to operate land-based casinos was removed from the Swedish Gambling Act (2018:1138) (Sw. *spellagen*), effectively resulting in a prohibition on land-based casinos in Sweden. Prior to this legislative change, licences to operate land-based casinos were reserved for state-owned entities and were held by Casino Cosmopol AB, which discontinued its operations already in April 2025.
- On 24 September 2025, a memorandum from the Ministry of Finance was published proposing to expand the scope of application of the Gambling Act by replacing the current direction criterion with a participation criterion. Under the proposed approach, the determining factor would be whether individuals physically located in Sweden are able to participate in the gambling offered by the operator. Accordingly, operators without a Swedish licence would be required to implement effective and appropriate measures to prevent individuals located in Sweden from participating in the online gambling they offer, for example by restricting access to their websites through geo-blocking of Swedish IP addresses.

## Intellectual Property & Marketing

### INTELLECTUAL PROPERTY RIGHTS

- On 30 April 2026, the Swedish Patent and Market Court (Sw. *Patent- och marknadsdomstolen*) reached a mixed outcome in a case between Ganni and Steve Madden (and *vice versa*) concerning misleading marketing and copyright infringement. The court found that a cease-and-desist letter sent by a Danish law firm on behalf of the fashion company Ganni to a retailer constituted a marketing measure, as its primary purpose was to induce the retailer to cease selling allegedly infringing shoes by Steve Madden, thereby benefiting Ganni's sales. Since no final court decision had confirmed that all the shoes enjoyed intellectual property protection at the time of sending, several statements in the letter were found to be unsubstantiated and misleading. The court prohibited Ganni from further communicating the far-reaching infringement claims contained in the cease-and-desist letter. At the same time, the court found one of the three allegedly infringing Steve Madden shoes, identified in the letter, to indeed constitute an infringement of Ganni's copyright.
- On 14 April 2026, the Court of Justice of the EU issued a significant ruling clarifying the meaning of "pastiche" under EU copyright law in case C-590/23 Pelham II, the latest chapter of the long-running dispute between Kraftwerk and Pelham over the use of a two-second sample. The Court held that pastiche is a distinct concept from parody and caricature. It covers creations which evoke existing works while being noticeably different from them, incorporating characteristic copyright-protected elements in order to engage with those works in a recognisable artistic or creative dialogue. This can take the form of stylistic imitation, tribute, or humorous or critical engagement. The Court confirmed that the test is objective: the pastiche nature must be recognisable to persons familiar with the original work, regardless of the creator's subjective intent. The exception does not cover concealed imitations or plagiarism. Importantly, it is now established that sampling may constitute pastiche under European copyright law.
- On 31 March 2026, the Swedish Supreme Court (Sw. *Högsta domstolen*) ruled in case no. PMT 2800-24 "Betongbolagen" concerning the scope of injunctions due to intellectual property infringements. The Supreme Court clarified in its ruling how injunctions shall be formulated and that courts, when deciding on injunctions, cannot rely on appendices to define the scope of the injunction. Such conduct is common practice in marketing law. Nonetheless, the Supreme Court found that the same principles cannot be applied to intellectual property injunctions. This precedent entails clearer

requirements on how injunctions shall be defined and interpreted.

### MARKETING & CONSUMER PROTECTION

- On 20 April 2026, the National Board for Consumer Disputes (Sw. *Allmänna reklamationsnämnden, ARN*) dismissed a group action against the Swedish subsidiary of a Norwegian bank initiated by the Swedish Consumer Ombudsman (Sw. *Konsumentombudsmannen*) in December 2025. The action follows a supervisory action and subsequent judgment concerning unfair contract terms. The group action allegedly concerns approximately 50,000 consumers and the Consumer Ombudsman is seeking repayment of leasing fees that were increased by the bank in accordance with the unfair terms. Since the group action has been dismissed, the Consumer Ombudsman is now required to proceed with litigation if it intends to establish repayment of the leasing fees. According to the Consumer Ombudsman, the total repayment claims potentially amount to billions of SEK.
- On 26 March 2026, the Swedish government presented legislative bill prop. 2025/26:223 (Sw. *En ny konsumentkreditlag*) concerning a new Swedish Consumer Credit Act implementing Directive (EU) 2023/2225 (the Consumer Credit Directive III). 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.
- On 9 March 2026, the Swedish Consumer Agency (Sw. *Konsumentverket*) published report 2026:5 on simplification. The purpose is to strengthen and accelerate its work to reduce the regulatory burden and administrative costs for businesses, and to improve its service and engagement with the business community. The initiative started in 2024. In 2026, the Consumer Agency plans, among other things, to publish more legal positions on key legal questions in order to promote consistent enforcement. The authority also plans to continue to pursue litigation with a view to obtaining court precedents that clarify the legal position for businesses. Furthermore, the Consumer Agency will carry out a more systematic evaluation of the business-facing pages on its website, in cooperation with industry organisations, with potential revisions to structure and content depending on the outcome.

## Real Estate & Environment

- On 13 April 2026, the Swedish government presented legislative bill prop. 2025/26:239 on wind power in municipalities. The proposal addresses the decline in municipally approved wind power projects since the late 2010s, attributed in part to limited local benefit for nearby residents. It introduces a new act on revenue sharing from wind power facilities (Sw. *lag om vindkraftsersättning*), entitling owners of residential buildings within nine turbine heights of a wind turbine to compensation corresponding to a share of the operator's annual revenues. Compensation is calculated on a stepped scale ranging from 2.5 per mille for buildings within five turbine heights down to 0.5 per mille for buildings between eight and nine turbine heights away, subject to a cap of two per cent of the facility's total revenues. A corresponding amendment to the Swedish Income Tax Act (1999:1229) (Sw. *inkomstskattelagen*) provides that such compensation shall be tax-free to the extent it relates to a private residence. The new act and the amendment are proposed to enter into force on 1 July 2026.
- On 19 March 2026, the Swedish government presented legislative bill prop. 2025/26:212 (Sw. *Kommunala hyresgarantier för en socialt hållbar bostadsförsörjning*) on municipal rental guarantees for a socially sustainable housing supply. The proposal aims to improve access to housing for households that, despite having the financial means to pay rent, face difficulties competing in the rental market. It introduces an amendment to the Swedish Housing Provision Act (2000:1383) (Sw. *lagen om kommunernas bostadsförsörjningsansvar*) empowering the government to issue regulations obliging municipalities to provide rental guarantees (Sw. *hyresgarantier*). In other words, to act as guarantors for residential tenancy agreements. A corresponding amendment to the Public Access to Information and Secrecy Act (2009:400) (Sw. *offentlighets- och sekretesslagen*) introduces confidentiality for individuals' personal circumstances in such matters. The specific conditions are to be set out in a subsequent government ordinance. The amendments are proposed to enter into force on 1 July 2026.
- On 17 March 2026, the Swedish government presented legislative bill prop. 2025/26:209 (Sw. *En snabbare utbyggnad av kriminalvårdsanstalter och häkten*) on accelerating the expansion of prisons and jails. The proposal addresses significant overcrowding, with prisons averaging 131 % of rated capacity in 2024, and a need to more than double the total number of places by 2035. It introduces amendments to the Swedish Planning and Building Act (2010:900) (Sw. *plan- och bygglagen*). First, time-limited building permits (Sw. *tidsbegränsade bygglov*) for prisons and jails are to be available in broader circumstances, grantable for up to ten years and extendable to a maximum of twenty years. These provisions will apply for ten years until June 2036. Second, the government is granted power to issue regulations providing time-limited exceptions from the Planning and Building Act in the event of an acute capacity shortage. The amendments are proposed to enter into force on 1 July 2026.

# In-Depth

## Heightened enforcement in the sanctions area – new risks for internationally exposed companies

The Swedish Security Service's (Sw. *Säkerhetspolisen*) raid in May against a Swedish industrial leader suspected of aggravated sanctions offences illustrates a broader development in the sanctions and export control area. Although the circumstances of the individual case remain largely unknown and may prove to be particularly aggravating, the intervention is a clear indication of how the Swedish system – the regulatory framework, inter-agency cooperation and criminal enforcement capacity – has been progressively expanded to enable more actual sanctions cases.

What is perhaps most significant is therefore not the individual case itself, but what it signals in a broader perspective. Sweden is gradually moving from a system primarily characterised by largely administrative compliance to a clearer criminal enforcement focus in the sanctions and export control area, with criminal liability for senior management as the ultimate sanction.

The Swedish authorities' joint situational assessment on compliance with international sanctions from 2025 showed how Sweden's direct exports to Russia have decreased sharply as a result of the successively expanded sanctions. In parallel, however, goods exports to several countries in Russia's geographical proximity have increased markedly, with Turkey constituting the largest recipient market. Several of these countries have not imposed corresponding sanctions against Russia, meaning that local trade relations with Russia have in practice been maintained and, in some cases, deepened.

The changes in Swedish trade patterns may naturally have several legitimate explanations. At the same time, it is difficult to disregard that parts of the development are likely also driven by negligent or intentional circumvention schemes and other indirect re-export to Russia. The Security Service describes three typical scenarios. The first concerns procurement networks established in Sweden, but with links to Russia, which purchase goods from Swedish or foreign suppliers for re-export via third countries to Russia. The second concerns multinational industrial groups where Swedish

parent companies export to subsidiaries or branches in jurisdictions that do not apply corresponding sanctions, with the purpose of enabling re-export from there. The third concerns Swedish companies that export to foreign customers without knowledge that the goods are subsequently resold to Russian end-users. Swedish participation thus need not be intentional, but is nonetheless a prerequisite for the sanctions to be circumvented in practice.

In recent years, both the regulatory framework and supervisory priorities have therefore changed with the aim of more effectively upholding the sanctions against Russia and other countries subject to EU sanctions. For Swedish companies and investors, this development means that sanctions and export control issues increasingly need to be treated as an integrated risk, governance, and transaction matter. The risk assessment can no longer be limited to questions of direct export to Russia or formal counterparty screening. Authorities and supervisory bodies instead expressly identify circumvention via third countries, re-export through distributors, use of group structures outside the EU, and complex distribution and payment flows as central risk areas. The focus thus shifts from counterparty screening alone to the entire business chain, including end-users, third-country routes, payment structures, and reseller links. For owners and management, this means that sanctions and export control risk must be integrated into due diligence processes, transaction structuring, portfolio management, and the ongoing risk management of internationally exposed operations.

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