GERNANDT & DANIELSSON

G&D Monthly Digest

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This news overview has been compiled by Gernandt & Danielsson's specialist team and is updated month by month. Added news for this month are highlighted in beige. For this month, we have included an in-depth analysis at the end.
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Data & Tech

ARTIFICIAL INTELLIGENCE

- On 12 June 2026, the Swedish government designated the Swedish Authority for Privacy Protection (IMY) (Sw. *Integritetsskyddsmyndigheten*) as a market surveillance authority for Regulation (EU) 2024/1689 (the AI Act) (Sw. *AI-förordningen*). IMY's remit will cover, among other things, AI systems used in law enforcement and credit scoring. IMY will also participate in the regulatory sandbox for AI, providing guidance on data protection matters. The authority has indicated that the expanded mandate will require additional funding and that it will prepare for its new role in coordination with the other designated authorities, the Swedish Post and Telecom Authority (PTS) and the Swedish Financial Supervisory Authority (FI).
- On 10 June 2026, the European Commission published the final Code of Practice on marking and labelling of AI-generated content. The Code is voluntary and sets out practical steps to assist providers and deployers of generative AI systems in meeting the transparency obligations under Regulation (EU) 2024/1689 (the AI Act) (Sw. *AI-förordningen*) that will apply from 2 August 2026. From that date, deepfakes and AI-generated or AI-manipulated text published on matters of public interest must be clearly labelled, and users must be informed when interacting with systems such as chatbots. The transparency requirements are intended to reduce the risk of deception and manipulation by enabling people to recognise AI-generated or AI-altered content.
- On 10 June 2026, the Swedish Authority for Privacy Protection (IMY) (Sw. *Integritetsskyddsmyndigheten*) published a report clarifying the allocation of data controller and data processor roles under Regulation (EU) 2016/679 (the GDPR) (Sw. *dataskyddsförordningen*) in the context of AI development. The report, produced in collaboration with the startup Eggsplain, focuses on scenarios where a supplier uses a pre-trained AI model and fine-tunes it, either for its own product development, on behalf of a customer, or in a joint development project. IMY concludes that the supplier's role depends on the purpose and on whose behalf personal data are processed: where fine-tuning occurs on the supplier's own initiative, the supplier will generally be the data controller, whereas fine-tuning carried out on a specific customer's instructions will typically render the supplier a data processor. The report is intended to provide practical guidance to companies developing, adapting or deploying AI applications.

PRIVACY

- On 11 June 2026, the European Data Protection Board (EDPB) adopted a common template for the notification of personal data breaches under Regulation (EU) 2016/679 (the GDPR) (Sw. *dataskyddsförordningen*), aimed at harmonising notification processes across Member States. The template includes predefined options and guidance for completing each field, and is designed to help organisations provide the information required under the GDPR in a timely manner while reducing the administrative burden, particularly for smaller organisations with limited legal resources. The template is based on existing national notification forms used by supervisory authorities and is subject to public consultation until 5 August 2026, following which the EDPB will determine a timeline for practical implementation across all supervisory authorities.
- 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.

Employment & Incentives

- On 8 June 2026, the Swedish government tasked the Swedish Equality Ombudsman (DO) (Sw. *Diskrimineringsombudsmannen*) with continuing preparatory measures for the implementation of Directive (EU) 2023/970 (the Pay Transparency Directive) (Sw. *lönetransparensdirektivet*). The assignment includes carrying out promotional initiatives regarding employers' pay mapping work, with the aim of increasing knowledge of how such work is conducted and identifying what support employers need in their efforts to prevent pay discrimination. DO is to report on the assignment to the Government Offices no later than 1 November 2027. For a more in-depth analysis of the Directive and its implications for Swedish employers, please see the accompanying In-Depth article.

- On 2 June 2026, the Swedish government adopted a new work environment strategy for 2026–2031, titled *En god arbetsmiljö i ett föränderligt arbetsliv*. The strategy sets out four sub-objectives aimed at promoting a sustainable, healthy, safe and innovative working life. The government emphasises that a good work environment is essential for both individual health and long-term societal sustainability and competitiveness, with particular focus on gender equality, equity and inclusion, and differences in working conditions between groups such as women and men, older workers, persons with disabilities and foreign-born individuals. The strategy also addresses how digitalisation, globalisation, demographic change, the green transition and the security situation place new demands on flexible work environment practices. The Swedish Work Environment Authority (Sw. *Arbetsmiljöverket*) is tasked with coordinating the national implementation of the strategy in collaboration with other authorities and social partners.

- On 26 May 2026, the Swedish Competition Authority (Sw. *Konkurrensverket*) announced the initiation of a review to assess whether authorities are imposing mandatory labour law conditions in public procurement to the extent required under applicable legislation. The review follows indications in recent years that procuring authorities are not consistently complying with these provisions, which are designed to ensure that work performed under publicly procured contracts is carried out in accordance with workers' fundamental rights and in compliance with statutory or collective bargaining agreement requirements. The Competition Authority regards such conditions as important both for the equal treatment of tenderers and for maintaining sound competition by preventing suppliers with substandard employment terms from gaining an unfair advantage. In its first phase, the review will examine whether a sample of seven municipalities, ten municipal housing companies, and four state authorities have imposed labour law conditions in procurement exercises within high-risk sectors, including construction and civil engineering, taxi services, and cleaning.

Environmental, Social & Governance

- On 22 June 2026, the European Securities and Markets Authority (ESMA) published the register of firms authorised to act as external reviewers of European Green Bonds under Regulation (EU) 2023/2631 (the European Green Bond Regulation, EuGB). As of that date, registered external reviewers are subject to ESMA supervision and must fully comply with the EuGB Regulation's requirements, including senior management accountability, robust and transparent methodologies, effective internal controls and a comprehensive framework for managing conflicts of interest. The transitional regime under Articles 69 and 70 of the EuGB Regulation has ended, and external reviewers listed under that regime must cease their external review activities. Issuers planning to issue a European Green Bond are advised to consult ESMA's register to select a registered reviewer for their pre-issuance, post-issuance and, where applicable, impact report reviews.

- On 17 June 2026, the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*) largely endorsed the proposal set out in the government's interim report *Lättnader i kraven på hållbarhetsrapportering*, concerning relief from sustainability reporting requirements. FI nevertheless raised certain points for consideration in the continued legislative process, including that the threshold structure distinguishing reporting and protected companies should be further harmonised. FI also considers that risk management should be an explicit exemption from the restriction on information requests under the proposed new act on requesting sustainability information from actors in a company's value chain.
- On 4 May 2026, the European Commission published a simplification review report and a package of further implementation measures for Regulation (EU) 2023/1115 (the Deforestation Regulation, EUDR) (Sw. *avskogningsförordningen*), as amended by Regulation (EU) 2025/2650, ahead of its entry into application on 30 December 2026 for large and medium-sized companies and micro and small enterprises in the timber sector, and on 30 June 2027 for other micro and small enterprises. The measures include an updated guidance document and frequently asked questions, as well as a draft delegated act on the product scope of the EUDR, which proposes additions of certain downstream products (such as soluble coffee and certain palm oil derivatives) as well as exclusions of, among others, leather and retreaded tyres, and exemptions for product samples, certain packing materials, and used and second-hand products. The Commission estimates that the simplification measures, taken together, are expected to reduce annual compliance costs for companies subject to the EUDR's obligations by approximately 75 % compared to the original regulation.

EU, Competition & FDI

COMPETITION & PUBLIC PROCUREMENT

- On 17 June 2026, the Swedish Supreme Administrative Court (Sw. *Högsta förvaltningsdomstolen*) decided to refer a question to the Court of Justice of the EU for a preliminary ruling concerning the in-house exemption under Directive 2014/24/EU (the Public Procurement Directive) (Sw. *upphandlingsdirektivet*). The case concerns whether sales made by a controlled entity to third parties on a competitive market can be considered part of activities performed for the controlling contracting authorities, and thus fall within the in-house exemption. The referral follows a supervisory decision by the Swedish Competition Authority (Sw. *Konkurrensverket*) finding that 14 municipalities in Skåne had unlawfully procured waste management services from their jointly owned company Sysav without conducting a competitive tender.
- On 19 May 2026, the Swedish Competition Authority (Sw. *Konkurrensverket*) commissioned an analysis of the consequences of the regulatory fragmentation arising from the divergent national implementations of Directive (EU) 2019/633 (the Unfair Trading Practices Directive, UTP Directive) across EU Member States. Since November 2021, Sweden has maintained its own Act on Prohibition of Unfair Trading Practices (2021:579) (Sw. *lagen om förbud mot otillbörliga handelsmetoder*), implementing the UTP Directive with certain additions, including the extension of protection to all suppliers regardless of size and the removal of any distinction between perishable and non-perishable goods. The study will examine the Swedish daily consumer goods sector by conducting qualitative interviews, with a particular focus on quantifying the administrative costs arising from differing national implementations. The investigation is set to commence during the summer of 2026, with a final report to the Competition Authority due in spring 2027.
- On 6 May 2026, the Swedish parliament adopted a series of legislative amendments to strengthen competition in both private and public activities. The Competition Authority has been granted an expanded power to issue decisions on measures to promote effective competition. The new Act on Public Commercial Activities (2026:578) (Sw. *lagen om offentlig säljverksamhet*) has been introduced, replacing the existing rules on public commercial activities currently set out in the Swedish Competition Act (2008:579) (Sw. *konkurrenslagen*). The parliament has further adopted amendments enabling the Competition Authority to intervene against concentrations in small and local markets, which was not previously possible, and extending the information obligation to certain planned concentrations that were not always required to be notified to the Authority under the previous framework. The new rules will enter into force on 1 August 2026, with the provisions on evaluation and separate accounting entering into force on 1 January 2027.

FDI & NATIONAL SECURITY

- On 26 June 2026, Regulation (EU) 2026/1386 on the screening of foreign investments in the Union was published, replacing the current framework under Regulation (EU) 2019/452. The new regulation aims to strengthen the effectiveness and efficiency of foreign investment screening across the EU and will apply from 17 January 2028.
- On 22 June 2026, the Swedish Civil Defence and Resilience Agency (MCF) (Sw. *Myndigheten för civilt försvar*) published regulation MCFFS 2026:13, clarifying which critical infrastructure activities fall within the scope of the Swedish Foreign Direct Investment Screening Act (2023:560) (Sw. *lagen om granskning av utländska direktinvesteringar*). The regulation entered into force on 15 July 2026, replacing the previous MSBFS 2024:9. Key updates include additions and removals of covered activities, clearer criteria for the general conditions of the regulation, and new limitations reducing the number of newly established companies in scope within sectors where the protective value is considered limited.
- On 9 June 2026, the Swedish Parliament adopted legislative bill prop. 2025/26:228 (*Ett modernt och anpassat regelverk för krigsmateriel*), modernising the Swedish war materiel regulatory framework with effect from 1 August 2026. Key changes include adaptations to export and cooperation guidelines following Sweden's NATO membership, allowing transfers and cooperation with allied states to be considered consistent with Swedish security and defence policy. The amendments also introduce an exemption from the manufacturing licence requirement for certain subcontractors producing components on behalf of licensed manufacturers, increased penalties for serious offences, and introduction of administrative sanction fees.

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 2 June 2026, it was published that the European Banking Authority (EBA) and the New York State Department of Financial Services (NYDFS) have concluded a Memorandum of Understanding (MoU) on supervisory cooperation, exchange of information, and coordination with regard to stablecoin activities. The MoU was concluded in accordance with provisions in the Regulation (EU) 2023/1114 (MiCA), which authorise the EBA to conclude administrative agreements on information exchange with the supervisory authorities of third countries. The MoU establishes forms of cooperation aimed at enhancing the supervision of entities engaged in stablecoin activities and the assessment of related risks, fostering effective monitoring of global market and regulatory developments, and contributing to the orderly functioning and integrity of stablecoin markets. It also establishes mechanisms for mutual participation in investigations and on-site inspections, notification obligations in cases of material infringement by supervised entities, and coordinated responses in emergency situations. Importantly, the MoU constitutes a statement of intent only and does not create legally binding or enforceable rights or obligations for authorities or third parties, nor modify applicable laws and regulations.

- On 21 May 2026, the European Commission launched a public consultation on the functioning of the EU's regulatory framework for crypto-assets under Regulation (EU) 2023/1114 (MiCA). Implemented in 2024, MiCA establishes a harmonised EU framework covering crypto-assets, asset-referenced tokens and e-money tokens (stablecoins). The Commission is now assessing whether the framework remains fit for purpose in light of continued developments in digital asset markets and the evolving global regulatory landscape since MiCA was developed. The consultation includes a public questionnaire for individuals as well as a targeted questionnaire covering more technical and legal questions for stakeholders. The consultation is open until 31 August 2026.

- 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.

GENERAL

- On 25 June 2026, the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*) published a legal position (Sw. *rättsligt ställningstagande*) on the licensing requirement for underwriting of financial instruments under the Swedish Securities Market Act (2007:528) (Sw. *lagen om värdepappersmarknaden*). FI clarifies that an investment firm that enters into an underwriting agreement with an issuer of financial instruments is providing a licensable investment service. However, where an investment firm has entered into such an underwriting agreement, it may manage its resulting exposure by entering into one or more separate arrangements – such as an option or comparable agreement – under which an investor undertakes to purchase the financial instruments from the investment firm in the event the guarantee is called upon. FI concludes that such an investor does not make any commitment in relation to the issuer and is therefore not required to hold a licence for underwriting under the Securities Market Act. The clarification is notable in particular since criminal liability was recently introduced, in March 2026, for conducting unlicensed financial activities.

- On 16 June 2026, the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*) adopted new and amended regulations implementing changes to the Capital Requirements Directive under the EU's second banking package. The amendments introduce new requirements for third-country branches and certain financial and mixed financial holding companies, provisions on the information to be submitted under the specific suitability assessment procedure for management, and changes to rules on governance, risk management and control, including requirements for ESG-related plans and stress tests. FI has also made additional amendments beyond those following from the banking package, including as a result of changes to the Investment Firms Directive. The amendments generally entered into force on 1 July 2026, with certain provisions applying from 11 January 2027.

- On 8 June 2026, the Swedish Coordination Function against Money Laundering and Terrorism Financing (Sw. *Samordningsfunktionen mot penningtvätt och finansiering av terrorism*), published an updated National Risk Assessment of money laundering and terrorism financing in Sweden. The overall risk level has been assessed as more elevated than in the preceding assessment from 2020/2021. The increased risk level is caused by threats from organised crime and the rise of criminal activity integrating itself into legitimate societal structures. The assessment identifies both banking and financing activities as well as payment services as among the top four most risk-exposed sectors, alongside bookkeeping and accounting services and real estate agent business.

REGULATORY CAPITAL

- On 17 June 2026, the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*) published updated disclosures for 2025 pursuant to Article 143 of Directive 2013/36/EU (the Capital Requirements Directive, CRD). The disclosures include the texts of Swedish laws, regulations and general guidance implementing the CRD, information on how the options and discretions available under the CRD and Regulation (EU) 575/2013 (the Capital Requirements Regulation, CRR) have been exercised in Sweden, the general criteria and methodologies applied by FI in its supervisory review and evaluation process, and aggregated statistical data on key aspects of the implementation of the CRD and CRR in Sweden.
- On 4 June 2026, the European Commission adopted a delegated act introducing targeted, time-limited adjustments to the fundamental review of the trading book (FRTB) under Regulation (EU) 575/2013 (the Capital Requirements Regulation, CRR), as amended by CRR3. The measures, applicable from 1 January 2027 until January 2030, include a targeted multiplier designed to neutralise the capital impact on banks adversely affected by the new FRTB rules, together with targeted operational relief measures. The Commission adopted the act under its empowerment in Article 461a CRR to safeguard a level playing field for EU banks pending clarity on FRTB implementation timelines in other major jurisdictions, including the US and the UK. The delegated act is now subject to a three-month scrutiny period by the Council and Parliament, extendable by a further three months.
- On 19 May 2026, the Swedish Ministry of Finance published memorandum Fi2026/01150 (Sw. title *Nya krav på startkapital för kreditinstitut*) and referred it for consultation on the same day. The memorandum proposes raising the minimum initial capital requirement for bank limited companies (Sw. *bankaktiebolag*) and credit market companies (Sw. *kreditmarknadsbolag*) from EUR 5 million to EUR 7.5 million, and for savings banks (Sw. *sparbanker*), member banks (Sw. *medlemsbanker*) and credit market associations (Sw. *kreditmarknadsföreningar*) from EUR 1 million to EUR 1.5 million, while also abolishing the existing possibility of exemptions from the minimum requirements. The memorandum further proposes that occupational pension companies (Sw. *tjänstepensionsföretag*) submit certain information to the Swedish Financial Supervisory Authority (FI) (Sw. *Finansinspektionen*) for the purpose of making it available through the European Single Access Point (ESAP). The proposed amendments to the capital requirements are intended to enter into force on 1 January 2027, with the remaining amendments entering into force on 10 January 2030, forming part of the implementation of the EU banking package (Directive (EU) 2024/1619 (CRD VI) and Regulation (EU) 2024/1623 (CRR3)) into Swedish law.

Gaming

- On 16 and 18 June 2026, the Swedish Gambling Authority (Sw. *Spelinspektionen*) published two consultation proposals for new regulations, both open for comments until 10 August 2026. The first concerns new regulations on responsible gambling, replacing the Swedish Lottery Inspectorate's regulations and general guidelines (LIFS 2018:2). The second concerns new technical requirements, replacing two existing sets of regulations (SIFS 2022:3 and LIFS 2018:10) covering technical requirements and accreditation of control, testing and certification bodies, as well as technical requirements for gaming machines and automated casino games.
- On 1 May 2026, an expanded credit prohibition entered into force under the Swedish Gambling Act (2018:1138) (Sw. *spellagen*), prohibiting licence holders and gambling agents from permitting or facilitating gambling financed by credit, as well as requiring them to take appropriate measures to prevent gambling on credit. The prohibition applies to all licensable forms of gambling, irrespective of how the gambling is provided. The Swedish Gambling Authority (Sw. *Spelinspektionen*) has also updated its guidance, including a questions and answers section clarifying, among other things, the definition of credit, the measures required, and the scope of application of the prohibition.
- 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.

Intellectual Property & Marketing

INTELLECTUAL PROPERTY RIGHTS

- On 10 June 2026, the Swedish Patent and Market Court of Appeal (Sw. *Patent- och marknadsöverdomstolen*) ruled in case no. PMT 737-25 concerning the interplay between software copyright and trade secrets. The claimant initiated proceedings in respect of certain source code used in the defendant's products. The defendant contested the source code's copyright protection and trade secret status, arguing, among other things, that the disputed code was an unspecified patchwork of files consisting largely of open-source components not belonging to the claimant. The court rejected the claimant's copyright claim, finding that the claimant had submitted only a portion of the total source code without explaining how the selection had been made, making it impossible to identify the work or assess originality at the level of individual files. However, the court ruled in the claimant's favour on the trade secrets status, holding that the source code in its assembled form had clear commercial value and warranted protection as a trade secret even though it partly comprised open-source elements that were individually in the public domain. The court prohibited further use of the trade secret and awarded the claimant damages. This is a clear example of the difficulties with proving infringement of source code and the interplay with trade secrets. It is of particular interest when assessing the use of open-source components.

- On 12 May 2026, the case law concerning the use of cease-and-desist letters received an important addition as the Swedish Patent and Market Court of Appeal (Sw. *Patent- och marknadsöverdomstolen*) delivered its ruling in case no. PMT 10686-25. Contrary to the lower court, the Patent and Market Court of Appeal found that claims in cease-and-desist letters sent by a Danish law firm concerning alleged patent infringements did not constitute marketing. Instead, the use of cease-and-desist letters was found to constitute customary legal correspondence. The judgment is of importance for all contentious intellectual property work since the use of cease-and-desist letters warrants additional care to ensure that such letters do not constitute misleading marketing.

- 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.

MARKETING & CONSUMER PROTECTION

- On 19 June 2026, important amendments to the Swedish Act on Distance Contracts and Off-Premises Contracts (2005:59) (Sw. *distansavtalslagen*) entered into force. Importantly, the amendments, originating from legislative bill prop 2025/26:84, introduce a mandatory digital cancellation function for contracts concluded online. Most businesses providing goods or services online must now provide a clearly labelled, easy-to-find cancellation button or link within the same website or app where the purchase was made, accessible throughout the entire withdrawal period, following which businesses must promptly issue a confirmation receipt. For businesses, the changes warrant a practical review of digital customer journeys to ensure the cancellation function is correctly implemented. For financial services, additional transparency and disclosure obligations also apply.

- On 5 June 2026, the Swedish Patent and Market Court of Appeal (Sw. *Patent- och marknadsöverdomstolen*) ruled in case no. PMT 9542-25 concerning consumer credit terms. The defendant creditor imposed a fee on consumers for immediate disbursement of approved loans. Section 18 of the Swedish Consumer Credit Act (2010:1846) (Sw. *konsumentkreditlagen*) restricts creditors from charging consumers additional fees for credit unless those fees correspond to actual costs incurred by the lender. The lender defended its practice on the basis that the fee constituted either a charge for an ancillary service or a behaviour-steering charge. The Patent and Market Court of Appeal rejected the argument and found the disbursement fee to be in conflict with the Consumer Credit Act, thereby rendering the lender's contractual terms unfair.

- On 28 May 2026, the European Commission fined Temu EUR 200 million under Regulation (EU) 2022/2065 (the Digital Services Act, DSA). The decision is based on Temu failing to properly assess the systemic risks posed by illegal products on its platform. An investigation found that a very high proportion of products sold on Temu failed basic safety tests. The Commission also found that Temu's 2024 risk assessment relied on generic data rather than platform-specific evidence and failed to account for how its own functionality could amplify the spread of illegal goods. Temu must submit an action plan to the Commission by 28 August 2026, with periodic penalty payments possible if it fails to comply. The decision marks a significant enforcement milestone under the DSA's framework for Very Large Online Platforms.

Real Estate & Environment

- On 30 June 2026, the Swedish Supreme Court (Sw. *Högsta domstolen*) delivered its judgment in case no. T 5718-24 ("Bästeträsk") concerning a mining company's claim for compensation from the state following the designation of part of its quarry property as a Natura 2000 area, which ultimately prevented the company from obtaining a permit for expanded limestone extraction. The Supreme Court held that neither the government's proposal to the EU Commission to designate the area nor the lower court's subsequent refusal of the Natura 2000 permit constituted an expropriation. The court further clarified that the constitutional right to compensation for "significant damage" under the applicable constitutional provision requires, outside the context of building regulations, that the restriction simultaneously constitutes a substantial impediment to ongoing land use and that no independent compensation entitlement arises in respect of losses attributable to the denial of a new or expanded permit, which represents a change in rather than a restriction of ongoing use. As the company's planned extension had required a fundamental new permit, it constituted changed rather than ongoing land use, and no right to compensation arose.
- On 18 June 2026, the Swedish government commissioned a special inquiry (Dir. 2026:58) to propose a framework conferring on owners of residential properties adjacent to a newly erected wind power facility the right to have their property compulsorily acquired by the facility operator at a price reflecting what the property would have been worth had the facility not been constructed. The inquiry forms part of a broader package of measures to promote wind power expansion by reducing local resistance, complementing the revenue-sharing scheme (Sw. *vindkraftsersättning*) introduced by prop. 2025/26:239 and which enters into force on 1 July 2026. The proposed buy-out right is designed to shift the risk of diminished property values from neighbouring landowners to the facility operator, and the government's current intention is that the regime should apply retroactively from the date of the inquiry's appointment. The inquiry is to present its findings by 1 April 2027.
- On 4 June 2026, the Swedish government submitted a legislative proposal to the Swedish Legislative Council (Sw. *Lagrådet*) on strengthened security in tenant-owner apartments (Sw. *bostadsrätter*). The proposal introduces new grounds for forfeiture of a tenant-owner right where the holder engages in criminal conduct liable to impair the immediate environment of neighbouring residents, or where the apartment or an associated space is used for the commission of serious, habitual, or large-scale crime. The duty on holders to preserve security within and outside the building is also codified and sharpened. In addition, the proposal expands and clarifies housing associations' (Sw. *bostadsrättsföreningars*) ability to refuse membership on criminal grounds: membership may be refused where the prospective holder or any person intending to use the apartment has engaged in conduct that gives justified reason to assume that the residential or immediate environment of existing members would deteriorate in a way that cannot reasonably be tolerated. The legislative amendments are proposed to enter into force on 1 January 2027.

In-Depth

Sweden and the EU Pay Transparency Directive

BACKGROUND AND CURRENT POSITION

The EU Pay Transparency Directive (the "**Directive**") aims to strengthen the principle of equal pay for equal or equivalent work and to combat gender-based pay discrimination. The implementation deadline was 7 June 2026.

In May 2024, an official inquiry report set out recommendations for transposing the Directive in Sweden, followed in January 2026 by the government's Council on Legislation referral (Sw. *lagrådsremiss*). The referral proposed a 1 July 2026 entry into force, later pushed back to 1 January 2027. Then, in March 2026 – approximately one week after the government had been expected to present the transposing bill – it announced its intention to seek a renegotiation of the Directive at EU level, citing concerns that the requirements were excessively burdensome. The government also sought a postponement of the implementation deadline, but those efforts proved fruitless.

In June 2026, the Equality Ombudsman ("**DO**") was instructed to continue preparations for eventual implementation, with a report due in November 2027.

What does the Directive entail?

RECRUITMENT PHASE

Employers must inform job applicants of the starting salary or salary range for the position. While it will not be legally required to post this as part of the job ad, this information must be shared as early as possible in the recruitment process. In addition, employers will be prohibited from asking applicants about their current or previous salary with another employer.

DURING EMPLOYMENT

The criteria used for pay setting, pay levels and pay progression must be made accessible to employees. These criteria must be objective, gender-neutral, and made available on e.g. the intranet. Employers with fewer than 50 employees will be exempt from this requirement.

Employees are also entitled to request information about his/her own pay and average pay levels broken down by gender, for the same work or work of equal value. This information must be expressed on both an hourly and an annual basis. Employers must inform employees annually of this right, and provide the information within two months of a request.

The new rules will also ban any contractual provisions that restrict employees from voluntarily sharing information about their pay.

PAY REPORTS AND PAY SURVEYS

Through the Directive, a new requirement of regular pay reporting (Sw. *lönerapport*) to the DO will be introduced, due by 20 May the relevant year. The reporting frequency depends on employer size: employers with 250 or more employees must report annually, those with 100–249 employees every three years, and employers with fewer than 100 employees may report voluntarily.

The report must include percentage-based figures for pay gaps between women and men performing equal or equivalent work, covering all remuneration paid from the employer to the employees; expressed on both an annual and an hourly basis. The reports will be published on DO's website.

With the introduction of a pay report, many employers in Sweden will be required to conduct two separate pay-related exercises: a pay report and a pay survey (Sw. *lönekartläggning*). To limit the administrative burden, the existing Swedish rules on pay surveys are proposed to be slightly revised to align with the Directive's requirements, with an obligation for employers with 25 or more employees to produce a written pay survey.

Where a pay report reveals a gap of five percent or more that is neither justified nor remedied within six months, the written pay survey must be submitted to DO within seven months of the expiry of that six-month period.

STRICTER SANCTIONS

The Directive introduces stricter consequences for breaches, including a new form of compensation for breaches of individual rights and administrative fines payable to the DO for failure to report.

Looking ahead

The situation remains fluid – with no firm implementation date – but the DO's continued preparations signal that implementation is a matter of when, not if. It is therefore important that employers use the time to prepare proactively. Key steps include reviewing current salary practices and pay-setting criteria, evaluating job architectures and classification systems to ensure roles performing equal or equivalent work are identified correctly, and updating internal processes and policies to meet the Directive's transparency and reporting requirements. Equally important is training managers on the new rules, so that those responsible for recruitment and pay decisions understand their obligations from the outset. Preparation now will strengthen compliance readiness regardless of the ultimate implementation date.

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