

G&D Monthly Digest

January 2025

This news overview is compiled by Gernandt & Danielsson's specialist team and will henceforth be updated month by month. Summarised updates concerning four of our specialist areas follow below.

FINANCIAL SERVICES

- On 23 January 2025, the Swedish Financial Supervisory Authority (Sw. *Finansinspektionen*) published its prioritised areas of supervision for 2025. The four areas identified as requiring focus in this year's supervisory activities are:
 - (i) ability by firms to uphold their operations in a compliant manner, while doing so in a changing and unstable environment (due to emerging financial, environmental, and security-related risks and challenges),
 - (ii) consumer protection aspects such as affordability assessments, management of conflicts of interest, and marketing of financial products as sustainable,
 - (iii) compliance with anti-money laundering and counter-terrorism financing requirements, and
 - (iv) monitoring of private indebtedness and its risks for stability of the financial markets.

The prioritised areas of supervision are notably similar compared to corresponding focus areas for 2024.

- On 9 January 2025, the European Banking Authority (EBA) published its final Guidelines on the management of ESG risks (EBA/GL/2025/01). The guidelines cover requirements applicable to internal processes and ESG risk management arrangements for institutions under the Capital Requirements Directive (CRD6) (Sw. *kapitaltäckningsdirektivet*). The guidelines will generally apply from 11 January 2026, but small and non-complex institutions may postpone their adherence to the guidelines by up to one year.
- On 30 December 2024, Regulation (EU) 2023/1114 on markets in crypto-assets (MiCA) (Sw. *EU:s förordning om marknader för kryptotillgångar/*

Mica-förordningen) became fully applicable. MiCA harmonises rules in the EU for issuance, public offers, and admissions to trading of crypto-assets including provision of services related to crypto-assets.



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INTELLECTUAL PROPERTY AND UNFAIR COMPETITION

- On 29 January 2025, the World Intellectual Property Organisation and Mediation Center (WIPO AMC), together with the Esports Integrity Commission (ESIC), launched the International Games and Esports Tribunal (IGET). Disputes related to the video games and esports industries can henceforth be resolved by Alternative Dispute Resolution (ADR) administered by IGET. Such disputes may include player disciplinary matters, IP conflicts, and other similar disputes pertaining to esports.
- On 17 January 2025, the Swedish Consumer Agency (Sw. *Konsumentverket*) concluded an industry sweep (dnr. 2024/962) concerning traders' compliance with the price disclosure rules of the Price Information Act (2004:347) (Sw. *prisinformationslag*). The authority concluded that nearly half of the screened traders fail to comply with the obligation to disclose the lowest price applied 30 days before a claimed price reduction (in Sw. commonly known as "*30-dagarsregeln*"). A few days later, the head of the authority described the failing compliance as a "consistent nonchalance" and expressed the need for tougher supervisory actions.
- On 1 January 2025, the new Patent Act (2024:945) (Sw. *patentlag*) entered into effect. The new act primarily aims to modernise and simplify the now

repealed act from 1967. It also includes certain news due to the Agreement on a Unified Patent Court (Sw. *avtalet om en enhetlig patentdomstol*).



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PRIVACY AND TECHNOLOGY

- On 17 January 2025, the new EU regulation 2022/2554 on digital operational resilience for the financial sector (DORA) (Sw. *EU-förordningen för digital operativ motståndskraft*) became applicable. DORA introduces new requirements for nearly all stakeholders in the financial sector and third-party service providers to address IT-related risks. The Swedish Financial Supervisory Authority (Sw. *Finansinspektionen*) will supervise the sector's compliance with the new standards regarding e.g. cybersecurity, incident recovery, incident reporting, outsourcing, information sharing, and resilience testing.
- On 16 January 2025, the Swedish government proposed amendments to the Data Protection Act (2018:218) (Sw. *dataskyddslagen*) and the Crime Data Act (2018:1177) (Sw. *brottsdatalagen*). The bill (prop. 2024/25:88) aims to safeguard complainants' rights to an effective remedy when lodging complaints with the Swedish Authority for Privacy Protection (Sw. *Integritetsskyddsmyndigheten/IMY*).
- On 19 December 2024, the Swedish Authority for Privacy Protection (Sw. *Integritetsskyddsmyndigheten/IMY*) issued three decisions concerning Apotea, Länsförsäkringar, and Kry. The authority concluded that the three controllers had processed personal data in violation of Article 32 of the GDPR (Sw. *dataskyddsförordningen*) by failing to implement appropriate technical and organisational measures when using the Meta Pixel analysis tool and accidentally transferring personal data to Meta.



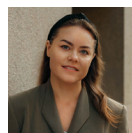
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REAL ESTATE AND ENVIRONMENT

- On 1 January 2025, amendments to the Environmental Code (1998:808) (Sw. *miljöbalken*) regarding environmental permits entered into force. The changes aim to facilitate more modern and efficient environmental assessments. An application for changes in an existing environmental permit will now be limited to an assessment of the relevant changes (Sw. *ändringstillstånd*). Until today, the rule has been that the authorities assess the complete environmental permit again when changes and/or expansions have been applied for. Further, the granted period according to an existing environmental permit will now be extendable up to three years.
- On 12 November 2024, the Swedish government declared its intention to ease shore protection (Sw. *strandskydd*) (KN2024/02252). In Sweden, an area of 100 metres from the shoreline on land, and 100 metres from the shoreline in water, is protected entailing inter alia that a property owner is restricted from building. The proposed changes include that the general shore protection will be repealed in certain situations. Additionally, a new exemption to the shore protection will be introduced to target rural commercial businesses with limited impact on the shore protection.
- On 31 May 2024, governmental inquiry SOU 2024:38 (Sw. *Digitala fastighetsköp & Förförsköpsrätt vid fastighetstransaktioner*) was presented as a first step toward digitalisation of the real estate transactions market. Under current law, transfer of real properties (not including transfer of shares in a company owning the real property) must be signed in wet ink by the parties and the signature of the seller must be witnessed. The inquiry proposes changes and solutions to enable digital transactions to meet the formal requirements under the Land Code (1970:994) (Sw. *jordabalken*). Notably, it is proposed that a qualified electronic signature (Sw. *kvalificerad elektronisk underskrift*) without any witnesses will be sufficient.



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