

Finansinspektionen's Regulatory Code

Publisher: Gent Jansson, Finansinspektionen, Box 6750, 113 85 Stockholm.
Ordering address: Thomson Fakta AB, Box 6430, 113 82 Stockholm. Tel. +46 8-587 671 00, Fax +46 8-587 671 71.
Subscribe also by e-mail at www.fi.se.
ISSN 1102-7460

This translation is furnished for informational purposes only and is not itself a legal document.

Finansinspektionen's regulations and general guidelines regarding reporting of owners' qualifying holdings and participating interests;

FFFS 2004:17

Published on
15 December 2004

decided on 1 December 2004.

Finansinspektionen prescribes the following pursuant to section 67 of the Mutual Benefit Societies Act (1972:262), section 49, subsection 15 of the Insurance Business Ordinance (1982:790), section 3, subsection 9 of the Investment Funds Ordinance (1990:1123), section 1, subsection 13 of the Securities Market (Trading and Services) Ordinance (1991:1007), section 1, subsection 10 of the Securities Exchange and Clearing Operations Ordinance (1992:561), section 2, subsection 5 of the Electronic Money (Issuance) Ordinance (2002:157), section 1, subsection 20 of the Investment Funds Ordinance (2004:75), Chapter 5, section 2, subsection 9 of the Banking and Financing Business Ordinance (2004:329), section 12, subsection 2 of the Deposit Business Ordinance (2004:330) and section 12, subsection 2 of the Reporting Obligation for Certain Holdings of Financial Instruments Ordinance (2004:331).

Below the paragraphed regulations, Finansinspektionen provides *General Guidelines*.

Scope

Section 1 These regulations and general guidelines contain provisions for the following Swedish institutions: joint stock banks, members' banks, savings banks, credit market firms, credit market associations, investment firms, fund management companies, insurance companies, mutual benefit societies, mutual national insurance companies, exchanges, authorised market places, clearing organisations, electronic money institutions, deposit-taking institutions, and financial institutions.¹

Information that shall be reported to Finansinspektionen

Section 2 Swedish joint stock banks, members' banks, savings banks, credit market firms, credit market associations, investment firms, fund management companies, insurance companies, mutual benefit societies, mutual national insurance companies, exchanges, authorised marketplaces, clearing organisations and electronic money institutions shall where applicable report to Finansinspektionen general register information and information about qualifying holdings, subsidiaries, step-down subsidiaries and other participating interests in accordance with *the appendix*.

¹ Financial institutions in accordance with section 1 of the Reporting Obligations for Certain Holdings of Financial Instruments Act (1996:1006).

Information about compliance officers and complaint officers need only be reported by institutions obligated by law, ordinance or regulations to have such positions.

Section 3 The information shall be reported on an annual basis no later than 30 June, as well as following a change in the reported situation.

Section 4 Swedish financial institutions that are legal entities and deposit-taking institutions shall where applicable report to Finansinspektionen information about the owners' qualifying holding in accordance with the appendix.

The information shall be reported on an annual basis, although no later than 30 June.

Section 5 Finansinspektionen decides on exceptions from these regulations where special grounds exist.

General guidelines

Information that in accordance with sections 2–4 shall be reported to Finansinspektionen should be reported via the service available on the authority's website.

These regulations and general guidelines shall enter into force on 1 January 2005, whereupon Finansinspektionen's regulations (2000:7) regarding reporting of qualifying holdings and subsidiaries, etc., shall be repealed.

INGRID BONDE

Mustapha Messili

*Appendix***Reporting owners' qualifying holdings and participating interests****General register information****Contact information**

Specify the street address, if different than the postal address, and if relevant the website and e-mail address.

Compliance officer

Specify the name, position, e-mail address, telephone number and fax number for the appointed compliance officers.

Complaints officer

Specify the name, position, e-mail address, telephone number and fax number for the appointed complaints officers.

Other contacts

Specify the name, e-mail address, telephone number and fax number for the persons or functions that are responsible for handling contact between Finansinspektionen and the institution.

Owners' qualifying holdings

For each owner with a qualifying holding in the institution the following information shall be reported:

- personal ID number or company registration number, alternatively foreign identification number,
- each owner's holdings expressed as a percentage of capital and votes, respectively, for both direct and indirect participations, and
- the date the owner's qualifying holding in the institution enters into effect.

If the owner is not a Swedish institution in accordance with section 1, the following information shall also be reported:

- name or business name,
- registered office of firm, city and country code,
- business code as per the table below, and
- operational description, brief summary of main business.

If the institution reports the above information immediately after becoming aware of its existence, the institution has fulfilled the obligation to report owners with a qualifying holding in the institution.

If the institution confirms the information on an annual basis it has fulfilled the obligation of annually reporting owners with a qualifying holding in the firm.

Subsidiaries, step-down subsidiaries and other participating interests

Every firm in which the institution has a direct or indirect holding of 20 per cent or more of the votes or capital shall be placed at the correct level in the organisational structure. The institution shall also provide the following information for such a firm:

- Swedish company registration number or foreign identification number,
- participation expressed as a percentage of capital and votes, respectively,
- the date the institution begins to directly or indirectly hold 20 per cent or more of the capital or votes in the firm,
- the date the institution ceases to directly or indirectly hold 20 per cent or more of the capital or votes in the firm,
- consolidation into a financial group or insurance group if the firm is included in the calculation of consolidated capital,
- the date the firm was first included in the calculation of consolidated capital,
- the date the firm was removed from the calculation of consolidated capital,
- the method of consolidation: which method is used when the firm is included in the calculation of consolidated capital,
- group consolidation, i.e. if the firm is included in the consolidated accounts,
- the date the firm was first included in the calculation of consolidated accounts, and
- the date the firm was removed from the calculation of consolidated accounts,

If the firm is not a Swedish institution in accordance with section 1, the following information shall also be reported:

- business name,
- registered office of the firm, city and country code,
- business code as per the table below, and
- operational description, brief summary of main business.

Table: Business Code and Operational Description	
Code	Operational description
Financial institutions	A firm that is not a credit institution, investment firm, electronic money institution or corresponding foreign firm and whose core business is to a) acquire shares or participations, and b) engage in securities business without being subject to licence pursuant to Chapter 1, section 3 of the Securities Business Act (1991:981).
Holding companies with financial business	In accordance with the definition set out in Chapter 1, section 7 of the Capital Adequacy and Large Exposures (Credit Institutions and Securities Companies) Act (1994:2004).
Holding companies with mixed operations	In accordance with the definition set out in Chapter 1, section 8 of the Capital Adequacy and Large Exposures (Credit Institutions and Securities Companies) Act (1994:2004).
Insurance holding companies	In accordance with the definition set out in Chapter 1, section 9e of the Insurance Business Act (1982:713).
Associated company	A Swedish or foreign firm whose main business is the provision of IT services or other similar services associated with its main business in one or more credit institution, investment firm, electronic money institution or corresponding foreign firm.
Property	A Swedish or foreign associated company that owns or manages real property.
Foreign institution	A foreign institution corresponding to a Swedish institution in accordance with section 1.
Other	