

Finansinspektionen's Regulatory Code

Publisher: Chief Legal Counsel Eric Leijonram, Finansinspektionen, www.fi.se
ISSN 1102-7460



This translation is furnished solely for information purposes. Only the printed version of the regulation in Swedish applies for the application of the law.

Finansinspektionen's general guidelines regarding reporting of events of material significance;

FFFS 2021:2

Published on
24 May 2021

decided on 18 May 2021.

Finansinspektionen provides the following general guidelines.

Scope

Through these general guidelines, Finansinspektionen would like to encourage undertakings under the authority's supervision to report events in their operations that could jeopardise the stability of the undertaking or the protection of customers' assets.

However, the general guidelines do not apply to:

- financial institutions pursuant to the Certain Financial Operations (Reporting Duty) Act (1996:1006);
- undertakings in their operations pursuant to the Investment Funds Act (2004:46),
- deposit institutions pursuant to the Deposit Business Act (2004:299),
- payment service providers in their payment operations pursuant to the Payment Services Act (SFS 2010:751),
- insurance undertakings pursuant to the Insurance Business Act (2010:2043), and
- occupational pension undertakings pursuant to the Occupational Retirement Provision Act (2019:742),

Reporting to Finansinspektionen

An undertaking should immediately report to Finansinspektionen when events of the following nature occur. The undertaking's regulatory function should submit the report that should contain the information set out in *the appendix*.

The undertaking should report events that could lead to such a change in its financial situation that it would not be able to fulfil its commitments with respect to its customers.

The undertaking should report events that could result in

- significant financial loss for a large number of customers, or

– significant loss of reputation for the undertaking.

The events in question may include, for example,

- information provided in customer transactions is incorrect or deficient,
- customer transactions have been managed in an incorrect or deficient manner,
- errors arising in technical systems, or
- internal or external rules have been breached.

If an auditor takes measures pursuant to Chapter 9, sections 43 and 44 of the Companies Act (2005:551), the undertaking should immediately inform Finansinspektionen thereof.

Guidelines for management and reporting

The undertaking's board of directors or equivalent decision-making body should establish in writing guidelines to manage and report events of material significance.

Notification to the Swedish Police or prosecutor

If suspicions arise that a crime has occurred, the undertaking should report these suspicions to the Swedish Police or a prosecutor.

These general guidelines shall enter into force on 1 June 2021, whereupon Finansinspektionen's general guidelines (FFFS 2018:5) regarding the reporting of events of material significance shall be repealed.

ERIK THEDÉEN

Ida Mohlander

Appendix

1. State the undertaking's name and address.
2. State the undertaking's contact person (name and phone number).
3. Describe the event and the circumstances surrounding how the event was discovered.
4. Describe which measures the undertaking is taking by reason of the event.
5. If possible, state whether the report pertains to such an event as is described in these general guidelines, and if so, which.
6. Date and sign the document with the above information.