

Finansinspektionen's Regulatory Code

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

decided on 17 April 2018.

Finansinspektionen provides the following general guidelines.

FFFS 2018:5

Published on
23 April 2018

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 undertakings 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 these 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); and
- insurance undertakings pursuant to the Insurance Business Act (2010:2043).

Reporting to Finansinspektionen

An undertaking should immediately report to Finansinspektionen when event 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 lead to significant financial loss for a large number of customers, and
- events that could lead to a considerable loss of reputation for the undertaking.

The events in question may include, for example, that

- information provided in customer transactions is incorrect or deficient,
- customer transactions have been managed in an incorrect or deficient manner,
- errors have arisen 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 a 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 May 2018, whereupon Finansinspektionen's general guidelines (FFFS 2015:15) regarding the reporting of events of material significance shall be repealed.

ERIK THEDÉEN

David Lothigius

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 because 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. State the date and sign.