

# Estate Agents Ordinance (1995:1028)

**Swedish Code of Statutes (SFS) no:** 1995:1028

**Ministry/authority:** Ministry of Justice, Division for Business and Family Law

**Issued:** 20 July 1995

**Amended:** up to and including SFS 2008:758

## Application for registration

### Section 1

A person who wants to be registered as an estate agent shall make a written application for registration to the Swedish Board of Supervision of Estate Agents.

The application shall contain information about the applicant's name, personal identity number, address and telephone number and, where relevant, the trading name under which the applicant intends to conduct his or her activities.

The application shall also state whether registration is being sought for all the classes of estate agent services specified in Section 1 of the Estate Agents Act (1995:400), full registration, or only for estate agent services for tenancies, registration of a rental agent.

If the applicant is to conduct estate agent services as an employee, then the employer's name, address and telephone number shall be given. If the employer is a legal person, its organisation registration number shall also be given. Ordinance (2003:455).

### Section 2

The following shall be attached to the application:

1. proof that the applicant is not a minor;
2. proof that the applicant is not an undischarged bankrupt and does not have an administrator under Chapter 11, Section 7 of the Children and Parents Code;
3. proof that the applicant is not subject to a trading prohibition;
4. proof that the applicant has the liability insurance referred to in Section 6, first paragraph, point 2 of the Estate Agents Act (1995:400); and
5. proof that the applicant has the training referred to in Section 6, first paragraph, point 3 of the Estate Agents Act.

The Swedish Board of Supervision of Estate Agents issues more detailed provisions about proof under the first paragraph.

## Notification of temporary activities

### Section 2 a

A person who moves to Sweden to operate temporarily as an estate agent here shall be deemed to meet the requirement of adequate training in Section 6, first paragraph, point 3 of the Estate Agents Act (1995:400) if he or she:

- is legally established as an estate agent in an EEA State or Switzerland (the Member State of establishment); or
- has conducted activities as an estate agent for two of the past ten years in an EEA State or Switzerland if the profession is not subject to special regulations there.

The question of whether the activities are to be deemed to be temporary is assessed in the light of the duration and scope of the activities and the other circumstances.

An estate agent referred to in the first paragraph shall submit an advance written notification to the Swedish Board of Supervision of Estate Agents instead of what is stated in Section 1. Ordinance (2008:758).

#### **Section 2 b**

A notification under Section 2 a, third paragraph shall contain information about the estate agent's name, personal identity number or date of birth, address and telephone number and, where relevant, the trading name under which the applicant intends to conduct his or her activities. The notification shall state whether his or her activities cover estate agent services for all the classes of estate agent services specified in Section 1 of the Estate Agents Act (1995:400) or only estate agent services for tenancies. In addition, the notification shall state the period of time during which the estate agent intends to conduct activities in Sweden.

The following shall be attached to the notification:

1. proof of the estate agent's nationality;
2. a certificate that the estate agent fulfils the requirements set out in Section 2 a; and
3. proof that the estate agent has insurance for the liability for damages that he or she may incur by neglecting his or her obligations under Sections 11–19 of the Estate Agents Act.

The Swedish Board of Supervision of Estate Agents may issue more detailed provisions about proof and certificates under the second paragraph. Ordinance (2008:758).

#### **Section 2 c**

When a complete notification with attached documents has been received by the Swedish Board of Supervision of Estate Agents, the estate agent shall be deemed to be registered under Section 5 of the Estate Agents Act (1995:400).

Registration by applying the regulation in the first paragraph is valid for one year and can be renewed at the request of the person registered. Ordinance (2008:758).

#### **Section 2 d**

An estate agent who has been registered by applying the regulation in Section 2 c shall, in his or her activities in Sweden, provide written information in accordance with Article 9 of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications. Ordinance (2008:758)

## **Fees**

### **Section 3**

A fee under Sections 9-14 of the Fees Ordinance (1992:191) is levied for the examination of an application under Section 1, and fees class 4 is applied.

### **Section 4**

A person who is registered as an estate agent shall pay an annual fee of SEK 2500 as of the calendar year after his or her registration year. This does not apply to a person who has been registered by applying the regulation in Section 2 c.

The Swedish Board of Supervision of Estate Agents may issue more detailed provisions on when the fee shall be paid. Ordinance (2008:758)

## **Information**

### **Section 5**

If an estate agent ends his or her activities, the estate agent shall report this to the Swedish Board of Supervision of Estate Agents. The same applies if a circumstance that shall be stated under Section 1 or 2 is altered.

### **Section 6**

If a public authority considers that there is reason to warn an estate agent on notice or revoke the estate agent's registration, the authority shall report this to the Swedish Board of Supervision of Estate Agents.

### **Section 7**

If the Swedish Board of Supervision of Estate Agents has reason to believe that someone is conducting estate agent services on a professional basis in conflict with the provisions on registration in Section 5 of the Estate Agents Act (1995:400), the Board shall report this to a public prosecutor.

### **Section 8**

On request, the Swedish Board of Supervision of Estate Agents shall issue a certificate that an estate agent's registration has not been revoked or that the estate agent has not been given a warning.

#### **Section 8 a**

The Swedish Board of Supervision of Estate Agents shall provide the information and issue the certificates concerning authorisation/qualifications, professional activities or similar matters requested by a competent authority in an EEA State or Switzerland. Ordinance (2008:758).

#### **Section 8 b**

If the Swedish Board of Supervision of Estate Agents has revoked the registration of an estate agent whose registration relates to temporary activities, or given such an estate agent a warning, then the Board shall notify the competent authority or organisation in the estate agent's Member State of establishment once the decision is final and non-appealable. Ordinance (2008:758).

## **Training**

### **Section 9**

The training referred to in Section 6, first paragraph, point 3 of the Estate Agents Act (1995:400) shall consist of estate agent services, civil

law, real estate law, tax law, economics, building technology and valuation methods.

The first paragraph does not apply to estate agents who only provide estate agent services for tenancies. For these persons the training referred to in Section 6, first paragraph, point 3 of the Estate Agents Act shall consist of supervised work practice with a registered estate agent who is engaged in estate agent services for tenancies relating to dwellings.

In a special case the Swedish Board of Supervision of Estate Agents may grant an exemption from what is specified in the first and second paragraphs.

The Swedish Board of Supervision of Estate Agents may issue more detailed provisions on the content and scope of the training. Ordinance (2003:455).

### **Recognition of certain foreign professional qualifications**

#### **Section 10**

A person who applies for full registration shall be deemed to fulfil the requirement of adequate training in Section 6, first paragraph, point 3 of the Estate Agents Act (1995:400) if the applicant:

1. holds a formal qualification that is required in an EEA State or Switzerland for access to and the practice of the profession of estate agent there, and the qualification has been issued in such a State;
2. has practised the profession of estate agent on a full-time basis for at least two years during the past ten years or on a part-time basis for a corresponding longer period of time in an EEA State or Switzerland if the profession is not regulated there and can present proof that he or she has completed upper secondary education in an EEA State or Switzerland that prepared the applicant to practice the profession, or
3. can present proof that he or she has completed a regulated upper secondary education as an estate agent lasting at least one year in an EEA State or Switzerland if the profession is not regulated there. Ordinance (2008:758).

#### **Section 10 a**

A person who applies for registration for estate agent services for tenancies shall be deemed to fulfil the requirement of adequate training in Section 6, first paragraph, point 3 of the Estate Agents Act(1995:400) if the applicant:

1. holds a formal qualification that is required in an EEA State or Switzerland for access to and the practice of the profession of estate agent for tenancies there, and the qualification has been issued in such a State; or
2. can establish in some other way his or her qualifications as an estate agent for tenancies acquired in an EEA State or Switzerland. Ordinance (2008:758).

#### **Section 10 b**

Even if the applicant fulfils the requirement of adequate training under Section 10, the Swedish Board of Supervision of Estate Agents may require that the applicant shall undergo a test of aptitude if the content of the training that the applicant has completed differs substantially from the training required in Sweden and the applicant has not acquired the required knowledge in his or her professional practice.

The Swedish Board of Supervision of Estate Agents may issue provisions on the content and scope of the aptitude test. Ordinance (2006:1268).

#### **Section 10 c**

The Swedish Board of Supervision of Estate Agents may issue provisions on the documents, certificates and corresponding documentary evidence that the applicant shall attach to an application for registration that is based on recognition of foreign professional qualifications under Sections 10 and 10 a. Ordinance (2006:1268).

#### **Insurance**

##### **Section 11**

Insurance under Section 6, first paragraph, point 2 of the Estate Agents Act (1995:400) shall be taken with an insurer who has a permit to operate an insurance business in an EEA State or in a country that is a member of the Organisation for Economic Cooperation and Development (OECD). In individual cases the Swedish Board of Supervision of Estate Agents may decide that the insurance may be taken with another insurer if that insurer is subject to requirements concerning soundness, its equity/assets ratio and supervision corresponding to those that apply to Swedish insurance companies.

The insurance conditions shall entail that:

1. the insurance for each claim covers a liability for damages up to SEK 1 500 000 for estate agents providing all classes of estate agent services specified in Section 1 of the Estate Agents Act and up to SEK 150 000 for estate agents only providing estate agent services for tenancies;
2. the insurance coverage applies to damage that was caused while the insurance policy was in force.
3. the compensation is paid to the injured party without the deduction of any excess;
4. the insurance cover can terminate no earlier than one month after the Swedish Board of Supervision of Estate Agents has been notified of its termination; and
5. the insurance cover is adequate in the other respects that are of importance for the rights of the injured party.

The second paragraph, point 4 does not apply to an estate agent who has been registered by applying the regulation in Section 2 c.

In individual cases the Swedish Board of Supervision of Estate Agents may decide to grant exemptions from the second paragraph, point 2 if acceptable cover can be attained in some other way. Ordinance (2008:758).

#### **Transitional provisions**

1995:1028

1. This ordinance enters into force on 1 October 1995, when the Ordinance on Estate Agents (1984:82) ceases to apply.
2. A person who, before the entry into force of this Ordinance, was registered as an estate agent under Section 4 of the Act on Estate Agents (1984:81) shall be registered without a re-examination with the Swedish

Board of Supervision of Estate Agents under the provisions of the Estate Agents Act (1995:400). In such cases the requirement in Section 11, second paragraph, point 1 relating to the amounts insured shall be fulfilled no later than 1 January 1996.

1999:1214

This Ordinance enters into force on 1 January 2000 and is applied to fees as of 2000.

2005:953

This Ordinance enters into force on 1 January 2006 and is applied to fees as of 2006.

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