



## Useful information for estate agents established abroad

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# Registration of temporary activity

This fact sheet includes brief information about the rules for estate agents established in an EEA state or Switzerland, and who seeks to be temporarily active as an estate agent in Sweden.

### **Requirements for registration**

Those who seek to work as estate agents in Sweden must be registered with the Swedish Board of Supervision of Estate Agents.

Operating as an estate agent without being registered carries a penalty of imprisonment or a fine.

### **Right to registration**

Those who act as estate agents in an EEA state or Switzerland (the Member State of establishment) and seek to operate temporarily as estate agent in Sweden, may under certain conditions be allowed to register as estate agent with the Swedish Boards of Supervision of Estate Agents without meeting the Swedish education requirements.

### **Registration is free of charge**

Registration of temporary activity is free of charge

### **The scope of the registration**

Registration may regard all the classes of estate agent services (full registration) or only estate agent services for tenancies (registration of rental agents).

The scope of the registration depends on what type of operation the applicant is running in the Member State of establishment.

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The Swedish Board of Supervision of Estate Agents is a government authority that registers estate agents, supervises estate agents and provides them with information about estate agent rules of conduct government agency with responsibility for supervising registered estate agents.

The Board issues fact sheets in a series entitled USEFUL INFORMATION whose can be ordered from the Swedish Board of Supervision of Estate Agents or downloaded from the Board's website.

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### **Conditions for registration**

The estate agent shall either

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

The estate agent shall have insurance for the liability for damages that he or she may incur by neglecting his or her obligations under Sections 8-22 of the Estate Agents Act.

The operation shall be temporary and the estate agent shall run his operation in Sweden

### **The registration will begin after the Swedish Board of Supervision of Estate Agents has been notified**

Those who seek registration of temporary activity as estate agents shall inform the Swedish Board of Supervision of Estate Agents about this in writing.

The estate agent will be deemed to be registered when a complete notification with attached documents has been received by the Swedish Board of Supervision of Estate Agents.

### **Notification of temporary activity as an estate agent**

The notification shall include information about the applicants name, personal identity number or coordination number or date of birth, address, phone number and, where relevant, the trading name under which the applicant intends to conduct his or her activities.

The notification shall state if the activities comprise all classes of estate agent services or only estate agent services for tenancies.

The notification shall state during which time the estate agent intends to operate in Sweden.

### **Information that shall be attached to the notification**

The following shall be attached to the notification

- proof of the estate agent's nationality,



- certification that the estate agent meets the requirements for registration of temporary activity as an estate agent and
- proof that the estate agent has the required insurance.

Proof of the estate agent's nationality along with certification of qualification shall be in the form of a certificate from a competent authority, notary public or recognised trade association. The certificate shall state whether the applicant's operation in the Member State of establishment comprised different classes of estate agent services or if it is limited to estate agent services for tenancies.

Proof of insurance may consist of a certificate from the insurance company, with the following wording: *Härmed intygas att (mäklarens namn och personnummer) har en sådan ansvarsförsäkring som anges i 6 § 2 fastighetsmäklarlagen (2011:666) jämförd med 20 § fastighetsmäklarförordningen.* Translation: We hereby certify that (name and personal identity number of the estate agent) has the liability insurance referred to in Section 6, 2 of the Estate Agents Act (2011:666) compared with Section 20 of the Estate Agents Ordinance. The certificate shall make clear if the liability insurance is for *full registration* or *registration of rental agents*.

#### **Language in the notification and attached documents**

The language in the notification and attached documents shall be in Swedish, or translated into Swedish.

The translations shall be conducted by an authorised translator or similarly established translator. Information regarding authorised translators can be received from the Legal, Financial and Administrative Services Agency.

#### **Validity of the registration**

The registration, and thus the right to work as an estate agent, is valid for a year, and can then be renewed at the request of the estate agent. However, renewal is only permitted if the activities are still deemed to be temporary.

#### **Supervision of those registered as temporarily active in Sweden**

If the estate agent is under supervision in the Member State of establishment, this supervision also applies for operations in Sweden.



The estate agent is also under the supervision of the Swedish Board of Supervision of Estate Agents for temporary activities in Sweden.

### **The registration can be revoked by the Swedish Board of Supervision of Estate Agents**

The Swedish Board of Supervision of Estate Agents can revoke the temporary registration if

- the estate agent's operation is deemed to be of permanent nature and not only temporary,
- the estate agent does not have valid liability insurance,
- the estate agent is an undischarged bankrupt, has an injunction against carrying on a business or has an administrator,
- the estate agent is not honourable or suitable for carrying out estate agent services. This may be due to criminal activity, economic irregularities, or not fulfilling his or her economic obligations,
- the estate agent's actions conflicts with the obligations stated in the Estate Agents Act.

A decision of revocation comes into effect immediately and means that the estate agent is no longer permitted to operate as an estate agent in Sweden.

### **Notification to competent authorities in Member States of establishment**

The Swedish Board of Supervision of Estate Agents shall notify the estate agent's Member State of establishment if the temporary registration is revoked or if the estate agent has been issued a warning.

### **Information to customers**

An estate agent who has been registered for temporary activity in Sweden shall provide customers with information, in accordance with Article 9 of Directive 2005/36/EG of the European Parliament and of the Council on the recognition of professional qualifications.

This information is as follows:



- Information about trade register or other similar registers, as well as the registration number or similar identification number in the register, if the estate agent is included in such a register in the Member State of establishment,
- Name and address of the supervising authority in the Member State of establishment, if the estate agent's operation is subject to such a permit system,
- Information about trade association or similar organisation in the Member State of establishment, where the estate agent is a member,
- The professional title, or if no such title exists, the estate agent's proof of formal qualifications, stating the member state where this qualification was issued,
- The estate agent's VAT registration number if his or her operation is subject to VAT; and
- Information about the estate agent's insurance coverage.

Furthermore, the estate agent shall inform the customers that the registration with the Swedish Board of Supervision of Estate Agents is for temporary activity.

The information shall be in writing.