



# Procurement Guidelines

Procurement: Passive management of Swedish equity funds, large and mid cap companies

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## 1. Introduction

The Swedish Fund Selection Agency (“FTN”) hereby issues an invitation to interested Fund Managers to participate in this procurement of passively managed Swedish equity funds with a primary focus on large and mid cap companies.

This document (Procurement Guidelines) describes the overall requirements and conditions for this procurement. The purpose of the document is, among other things, to facilitate for Fund Managers who are interested in participating in the procurement and submitting tenders

FTN has appointed the consulting company PPCmetrics AG as advisor in the procurement process, including the preparation of the Procurement Documents and the review and evaluation of the tenders received.

## 2. Contracting authority and applicable procurement legislation

FTN is a government agency tasked with procuring, monitoring and quality assuring the funds offered on the premium pension fund platform (“the fund platform”). These funds must be suitable, cost-effective, sustainable, controllable and of high quality. FTN is a governmental agency in the form of a board. FTN and the Swedish Pensions Agency are two independent authorities, each of which is responsible to the Swedish government for the tasks to be performed by the respective authority. The Swedish Pensions Agency serves as the host authority for FTN, which includes providing administrative services. The Swedish Pensions Agency is also the insurer of the premium pension and unit holder in the funds.

Fund Agreements will be concluded between FTN and the Fund Manager.

In accordance with Section 7 of the Act (2022:759) on the Fund Selection Agency, FTN will charge an annual fee from the Fund Managers with whom FTN has entered into a Fund Agreement in order to cover FTN's costs for, among other things, procurement and review of funds on the fund platform. The size of the fee is based on the principle of full cost recovery for the work that the fee is intended to cover. The annual fee currently amounts to 0.005 per cent of the Swedish Pensions Agency's invested capital in the Fund and will be invoiced on a quarterly basis. The fee may be adjusted upwards or downwards during the term of the Fund Agreement if necessary to ensure that the principle of full cost coverage is met over time. Any change to the amount of the fee will be made no more than once a year, in connection with FTN's annual review of the fees.

The applicable legislation for the procurement is the Act (2022:760) on Procurement of funds for the premium pension fund platform (LUP). This act is entered into force in 2022 and is solely applicable to FTN's procurement of funds for the fund platform. Furthermore, Swedish law and, where it takes precedence, EU law applicable in Sweden shall be applied to this procurement.

### 3. Information on the Swedish premium pension system

The premium pension is part of the national public pension system in Sweden. The premium pension is a mandatory pension scheme where, for each individual pension saver, an amount corresponding to 2.5 per cent of the so-called pension base is deposited annually in a premium pension account linked to the individual pension saver. The pension base is made up primarily of the sum of the pension savers' pensionable income, and any other pensionable earnings.

Pension savers can opt to invest their premium pension capital in up to five eligible funds on the fund platform. The pension saver is free to change his or her fund allocation at any time. As of 31 July 2024, the market value of the fund platform was approximately SEK 2 560 billion and is expected to grow to over SEK 4 000 billion by 2040.

## 4. Definitions and abbreviations

In the Procurement Guidelines, the Request for Proposal (RFP) and the Procurement Documents in general, unless otherwise expressly stated (see e.g. the Fund Agreement), the following terms have the meaning given below.

Term	Definition
Account	An "Account" as defined here refers to a client relationship.
ADL	Anti Dilution Levy, fees for dilution protection
Beneficial owner	The natural person(s) to be considered as beneficial owner as defined in Article 3 p. 6 a i) of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.
Bp	Basis point (one basis point corresponds to 0.01 percent)
Composite	An aggregation of portfolios managed according to a similar investment mandate, objective or Strategy.
ESG	Environmental, social and corporate governance
Financial risk	Risk that may lead to a negative impact on the performance of the procured Fund.
FTN	The Swedish Fund Selection Agency
Fund	The fund offered by the Fund Manager in this procurement.

Fund Agreement	The agreement to offer Funds on the premium pension fund platform that is concluded between FTN and a Fund Manager.
Fund Category	The category of Funds currently being procured, see Annex 2, Procurement Specifications.
Fund Manager	A fund management company, a UCITS or a management company as described in Chapter 1, section 1 of the Swedish UCITS Act (2004:46) implementing Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS).
Fund Rules	Provisions under Chapter 4. Section 8 of the Swedish UCITS Act (2004:46), or equivalent.
Group of Companies	A group as set out in Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC, as amended by Directive 2014/95/EU of the European Parliament and of the Council, or group which, in accordance with recognised international accounting standards, shall provide the equivalent accounts.
Investment Manager	A legal entity to whom the Fund Manager has delegated, in whole or in part, investment management of the Fund (or the legal entity to which it has sub-delegated such investment management).
Investment Team	The group of employees in the management organisation who work on and are responsible for the various stages of the investment process for the Strategy.
Key people	Natural persons who are responsible for making key decisions for the Fund (including the backups



	<p>for the Portfolio Manager, for example). This term should be interpreted on the basis of the circumstances of the Tenderer's own operations, as investment activities can be organised in a number of different ways and the individuals perceived as Key People may vary from Fund Manager to Fund Manager.</p>
LUP	The Act (2022:760) on the Procurement of Funds for the Premium Pension Fund Platform.
NAV	Net asset value
p.a.	Per annum.
Portfolio Manager	Person responsible for the investments of the Fund's assets.
Procurement Documents	<p>Any document used by FTN to describe or define the content of this procurement, i.e.:</p> <ul style="list-style-type: none"> <li>- The procurement notice</li> <li>- Procurement Guidelines (this document)</li> <li>- Request for Proposal (RFP) (Annex 1)</li> <li>- Procurement Specifications (Annex 2)</li> <li>- Grounds for Exclusion and mandatory requirements (Annex 3)</li> <li>- Supplementary information (Annex 4)</li> <li>- Template for Transactions (Annex 5)</li> <li>- Fund Agreement with annexes (Annex 6)             <ul style="list-style-type: none"> <li>- Annex A</li> <li>- Annex A1</li> <li>- Annex B</li> <li>- Annex C</li> <li>- Annex Instructions for the Fund Agreement</li> </ul> </li> <li>- Signing of the tender (Annex 7)</li> </ul> <p>In addition, the subsequent summary of questions and answers during the tender period will become a Procurement Document (PD).</p> <p>When reference is made in the Procurement Documents to the Request for Proposal (RFP), this refers to the electronic tender forms in e-Avrop which together constitute the RFP.</p>

Related Companies	A legal entity to which the Fund Manager has Close links (see definition in Annex 6 Fund Agreement) as described in Chapter 1, Section 2, first paragraph of the Swedish Investment Funds Act (2004:46).
Related Party	Natural or legal person with whom the Fund Manager has Close links (see definition in Annex 6 Fund Agreement), the Fund Manager's Representative, the Co-operative Partner and its Representative, the Investment Manager and its Representative.
Standardised derivatives	A derivative traded on a derivatives exchange, whose inherent characteristics are determined by that derivatives exchange and whose trade is cleared and settled by an approved clearing house.
Strategy	An umbrella term that describes how assets are managed within a Fund Category regardless of the form of management, but with the same investment philosophy, process and Investment Team as the Fund.
Swing pricing	Adjusted fund unit value according to Chapter 4, Section 10b of the Swedish Investment Funds Act (2004:46) or equivalent national regulation.
Tenderer	A Fund Manager that participates in the procurement and submits a tender; where appropriate through an authorised representative.

## 5. Procurement item and scope

### 5.1. Procurement item and specifications

The subject of this procurement is Swedish equity funds with a main focus on large and mid cap companies. For a more detailed description of the characteristics of the requested funds, see Annex 2, Procurement Specifications. The Procurement Specifications describes in detail the specifications that apply to the Fund Category to be procured.

The intention is that Fund Agreements concluded before the entry into force of LUP will be terminated over time and replaced by new procured Fund Agreements. The replacement will take place through a series of procurements over a number of years, with each procurement focusing on a particular Fund Category.

It is FTN that procures Funds for the premium pension fund platform and signs Fund Agreements. The purpose of the procurement is to make the Funds available on the fund platform in order to generate a return on invested capital if a pension saver or pensioner chooses to invest in a Fund. It is the Swedish Pensions Agency that administers the fund platform and the pension savers' fund allocation. As an insurer, the Swedish Pensions Agency is also the owner of all fund units in the premium pension system. Ultimately, however, it is the pension savers who gain access to the accumulated assets in the funds.

### 5.2. Scope of the procurement

FTN intends to award up to four Fund Agreements to Fund Managers offering a Fund, which fulfils the requirements of Annex 2, Procurement Specifications.

Fund Category	Number of Fund Agreements procured	Preliminary size of total assets under management in the procurement
Swedish equity funds with a main focus on large and mid-cap companies.	5	SEK 60 billion as of 31 July 2024

It should be noted that the total amount of assets under management cannot be used as a basis for determining the amount of capital allocated to an individual Fund, if it were to be covered by a Fund Agreement awarded and concluded through this procurement.

### 5.3. The Fund Agreement

The Fund Agreement contains the terms and conditions of cooperation between FTN, the Swedish Pensions Agency and the Fund Manager. The Fund Agreement will not be subject to negotiations during the procurement process. For the full content of the agreement documents, see Annex 6, Fund Agreement with annexes.

### 5.4. Term of the Agreement

The Fund Agreement will have a maximum duration of twelve (12) years, with an initial contractual period of 6 years, which FTN, within the framework of the optional extension (6 years), has the right to unilaterally extend with binding effect on the Fund Manager for one or two contractual periods of 3 years each.

### 5.5. Non-exclusivity

FTN reserves the right to procure additional Fund Agreements within the same Fund Category during the term of the agreement. This may be relevant if, for example, the number of Fund Agreements within the Fund Category should decrease during the agreement period and be deemed to lead to the selection of funds on the premium pension fund market place no longer providing sufficient freedom of choice for pension savers.

## 6. Procurement process including evaluation and award criteria

### 6.1. General

As stated above, the funds procured must be suitable, cost-effective, sustainable, controllable and of high quality. These concepts are not defined in the applicable legislation but are based on a number of different aspects. In order for FTN to make an assessment of which Funds have the aforementioned characteristics, a comprehensive analysis of both Funds and Fund Managers is required.

### 6.2. Public notice

The procurement is noticed and administered via the online procurement system and registered notice database **e-Avrop** ([www.e-avrop.com](http://www.e-avrop.com)) and is open to all interested Fund Managers. The Procurement Documents will be available (free of charge) on e-Avrop after registration.

e-Avrop provides direct, full and free access to the Procurement Documents, i.e. this document (Procurement Guidelines) and all annexes as defined in chapter 4 and the table in chapter 12. Please read the Procurement Documents and the annexes carefully.

All communication during the tender period will be done electronically via e-Avrop, including but not limited to access by Fund Managers to all Procurement Documents, questions from Fund Managers to FTN, answers to questions received by FTN, information on the tender procedure to all Fund Managers and future award decisions.

If there are any questions about the use of e-Avrop or if support for e-Avrop is needed, Fund Managers can contact the e-Avrop support team by e-mail at [support@e-avrop.com](mailto:support@e-avrop.com).

Due to the technical design of e-Avrop, FTN must enter CPV codes in order to create a notice for the procurement.

### 6.3. Fee for participation

Fund Managers will not be compensated for any costs related to participation in the procurement process.

In accordance with the provisions of Section 6 of the Act (2022:759) on the Swedish Fund Selection Agency, FTN charges a tender fee of SEK 18,000 from each Fund Manager to cover FTN's costs for reviewing and examining the tenders. The tender fee applies per submitted tender, which means that a Fund Manager who



submits several tenders shall pay a tender fee corresponding to the number of tenders submitted. The fee is the same for all Fund Managers submitting a tender. The Swedish Pensions Agency is the recipient of the tender fee and no invoice will be issued for the payment.

Payment of tender fees within Sweden is made to the Swedish Pensions Agency's bank account (*Sw. Bankgiro*) **5298-3772** or directly to account number **12810123152** in Danske Bank A/S, Denmark, Sweden Branch.

Foreign payments are made to IBAN number **SE1812000000012810123152**, BIC/SWIFT address: **DABASESX**.

The full postal address of the Swedish Pensions Agency is  
The Swedish Pensions Agency  
Box 38190  
SE - 100 64 Stockholm, Sweden

The Swedish Pensions Agency's VAT registration number is: **SE202100625501**.

The payment reference for an offered Fund must be provided at the time of payment. The payment reference to be used should be indicated in Annex 4, under the tab 1-1, and shall follow the following model: the serial number of the procurement (7 in this case), the initials of the Fund Manager's name (no more than 7 initials for technical reasons), and a reference number for each tender submitted.

Example: If the Fund Manager is called ABC Superb Funds A/S, e.g. ABCSFAS is entered as initials, giving the payment reference 7ABCSFAS1, 7ABCSFAS2, etc.

Always indicate the same payment reference as the one indicated in the answer to Annex 4, under the tab 1-1, when making a payment.

Please note that a Fund Manager may submit only one tender for one specific Fund. If a Fund Manager submits multiple tenders for the same Fund, all of that Fund Manager's tenders for that Fund will be rejected.

The Fund Manager must pay the tender fee at the latest when the tender is submitted.

If the Fund Manager fails to do so, FTN will order the Fund Manager to pay the fee by a certain date. If the Fund Manager does not comply with the order, the offer will be rejected. The Fund Manager will be notified of this in the order.

If the Fund Manager encounters problems with the payment of the tender fee, questions about the payment can be sent to: finansadmin@pensionsmyndigheten.se. Please note that no questions other than those related to the payment of the tender fee should be sent to the e-mail address provided.

Neither FTN nor the Swedish Pensions Agency will confirm payment of a tender fee. This is due to the strict confidentiality of this phase of the procurement process. If a payment is missing, FTN will contact the Tenderer.

#### 6.4. Questions and answers about the procurement

If Fund Managers perceives that anything in the Procurement Documents is unclear, they are encouraged to submit questions to FTN well in advance of the deadline for tender submission. FTN invites Fund Managers to ask any questions about the procurement according to the instructions below. Questions must be asked in Swedish or English. Questions should clearly identify the section, annex, requirement, etc. to which the question relates. FTN asks anyone submitting questions to be as specific as possible. The aim of this is to avoid vague questions to make it easier to understand what the question relates to and thus provide a better answer.

Questions are submitted using the "Questions and Answers" feature in e-Avrop. FTN will answer questions received in Swedish and English no less than six (6) days before the end of the tender period on 31 October 2024 (i.e. answers no later than 25 October 2024), provided that the question is received no less than ten (10) days before the end of the tender period (i.e. no later than 21 October 2024). Questions received late may go unanswered. All questions and answers and other information will be available on e-Avrop. Fund Managers who have registered and activated the "Download and Monitor Procurements" function in e-Avrop can ask questions and will receive email notifications when answers to questions have been published. Fund Managers are responsible for keeping themselves updated on any additional information that may be published during the procurement.

According to current procurement case law in Sweden, suppliers must try to prevent harm by taking active measures, such as by providing information or asking the procuring authority about perceived deficiencies or uncertainties in the Procurement Documents during the tender period and within the framework of the question and answer period. Fund Managers who believe that any content in the Procurement Documents violates LUP or the principles of Union law on public procurement, for example, must therefore take active measures in this respect in their relationship with FTN accordingly.

#### 6.5. Corrections, clarifications and additions to tenders

It is important for tenders submitted to contain correct and complete information in accordance with what is requested in the Procurement Documents. There will be very limited opportunities to correct, clarify or make additions to tenders once the tender submission deadline has expired. Corrections of errors, clarifications or additions to a tender may only be made if this is compatible with the principles of transparency and equal treatment, for instance. Correction means that errors in submitted documents, from an objective standpoint, can be corrected. Information that is completely absent from a tender, such as an unanswered question, often cannot be corrected by making additions at a later stage. Clarifications or additions can be made, where appropriate, by providing information or documents, such as a certificate, or explaining the answer to a question. However, additions are permitted only in exceptional cases. The dialogue will be documented.

Fund Managers are not entitled, on their own initiative, to correct, clarify or provide additions to their tenders after the deadline for submission of tenders. It is up to FTN to decide whether it is possible and necessary to allow or request correction, clarification or additional information. Hence it is essential for Fund Managers to take great care in preparing their tender and its annexes. Otherwise, FTN may be unnecessarily forced to reject the tender.

#### 6.6. Submission and content of the tender

Tenders are submitted using the "Submit Tender" function in e-Avrop where the questions in Annex 1, the RFP, are answered by completing the electronic tender forms, hereafter referred to as the RFP. In addition, a Fund Manager must complete the requested information in Annex 4, Supplementary Information, and thereby follow the instructions in the RFP, for submitting answers and by attaching the documents requested in the Procurement Documents.

Each electronic tender form corresponds to a chapter in Annex 1, the RFP. This, including all documents requested in the Procurement Documents, must be submitted electronically via e-Avrop.

Tenders may not be submitted by e-mail, regular mail or by any other means than e-Avrop. A tender submitted by any means other than those prescribed will be rejected.

There are also certain formal requirements for the tender that must be fulfilled in order for the tender not to be rejected, such as language, timely submission, payment of tender fees and validity period of the tender.



Each question in the RFP must be answered separately and should be answered as precisely as possible. FTN anticipates that a high number of tenders may be submitted, which may also be assumed to include a significant number of pages. Due to time constraints and other reasons related to efficiency, all questions must therefore be answered under each question. Thus, for an answer to be considered complete, FTN should not have to search through the tender or draw conclusions based on answers and information provided in various places in the tender regarding matters for which the Fund Manager is required to provide answers in response to a particular question. References in answers to other questions, links to websites and attached material will therefore not be considered unless FTN explicitly states otherwise in the relevant question. Fund Managers are responsible for ensuring that every question is answered in full.

Questions should therefore be answered only in the answer fields of the Request for Proposal. There is also a possibility to attach files to the answers. However, this may only be done for pictures, tables or similar and any comments on them ('pictures etc.') that are necessary to provide a complete answer to the specific question that the Tenderer wants to answer through the pictures etc. described above, and provided that these cannot be inserted directly into the answer field. Only images etc. that are relevant to answering the question should then be provided. A response made in this way should clearly indicate which question answer the images etc. complement and specify which information in the images etc. is relevant to the response.

FTN is entitled to verify the information provided in a tender at any time during the procurement process, e.g. by obtaining documents, certificates or other evidence from sources other than the Fund Manager.

Unless otherwise stated, all amount-related information shall be expressed in SEK. Other currencies shall be converted to SEK at the relevant WM/Reuters 16:00 rate as of the date to which a particular information refers (as indicated in the respective question).

Some parts of the RFP contain mandatory, i.e. compulsory, requirements: see Chapters 7 and 8 of these Procurement Guidelines. These parts can be found in Chapters 1, 2, 3 and question 13.1 in the RFP. The mandatory questions and information for which answers or information are required are clearly marked in the RFP. Fund Managers must answer the mandatory questions in these chapters, make the declarations and provide the confirmations, and submit all documents required. If not, the tender will be rejected. There is also an Annex 3, Exclusion grounds and mandatory requirements, which describes such grounds and requirements, which must be answered in Chapter 2 of the RFP (see also Chapters 7 and 8 of these Procurement Guidelines).

If the tender submitted by the Fund Manager meets all formal and mandatory requirements, and the Fund Manager is not to be excluded, FTN will evaluate the tender in accordance with the evaluation model applied in the procurement. If the Fund Manager or the tender fails to meet the formal or mandatory requirements, or the Fund Manager is to be excluded, the tender will be rejected.

The evaluation process is described in more detail in section 6.12 and section 6.13.

#### 6.7. Tender submission deadline

Tenders must be received by FTN no later than the end of 31 October 2024 according to Central European Summer Time ("CET"), which is the time applicable in Sweden on this date. Fund Managers have until the end of this day to prepare and submit a tender with all the annexes requested in the Procurement Documents via **e-Avrop**. Tenders received after the deadline will be rejected.

#### 6.8. Languages in the procurement

The governing language of this procurement is Swedish. Original documents and texts for the procurement are those written in Swedish. The only exception to this rule is the procurement notice. However, as a service measure, all documents and texts are also provided in English. If the Swedish and English documents and texts are contradictory, the Swedish version shall prevail.

Tenders must be written in Swedish or English. However, unless explicitly stated otherwise, the following exceptions are accepted. Official documents, such as documents from authorities, certification bodies or similar, may be written in other languages. However, such documents must be accompanied by a translation of the document(s) into Swedish or English. If a translated version into Swedish or English is not included in the tender, FTN is entitled to request a translation of the relevant documents under the terms and conditions set out in the paragraph below.

FTN is entitled to obtain a translation of such texts from the Fund Manager upon request and at the Fund Managers expense. If the Fund Manager does not comply with such a request within a reasonable period of time determined by FTN, the tender will be rejected.

The procurement notice is prepared in English as only one language per advertisement can be chosen in e-Avrop, and FTN wants to ensure that as many potential Tenderers as possible can benefit from the notice.

#### 6.9. Validity period of the tender

The Fund Manager shall be bound by the tender submitted until, and include, the date that falls two months after the date on which the award decision in the procurement is no longer subject to review or, if the award decision is subject to review, two months after the date on which the decision has been made legally binding through a court ruling by or a decision which has entered into force.

If FTN decides to cancel the procurement, the Fund Manager shall be bound by their tender up to and including the date on which FTN's decision to cancel the procurement can no longer be reviewed or, if the decision to cancel the procurement is subject to review, the decision has been made legally binding through a court ruling or a decision that has entered into force.

Any reservations in the tender against what has now been stated regarding the validity period of the tender will lead to the rejection of the tender.

#### 6.10. Approval of the Fund Agreement

By submitting a tender, the Fund Manager accepts the conditions set out in the Fund Agreement including all its annexes. If any reservations are made, the tender will be rejected.

#### 6.11. Cancellation of the procurement

FTN reserves the right to cancel the procurement if there are objectively acceptable reasons for this, e.g. according to procurement law practice.

FTN also reserves the right to cancel the procurement if the number of Fund Agreements that can be awarded after evaluation is less than three.

#### 6.12. Evaluation of tenders

The purpose of the evaluation is to identify the Funds that, taken together, best fulfil the award criteria of high quality (quality) and cost-effectiveness. In order to do this, part of the evaluation is to ensure that the Fund Manager is reliable and which Fund is considered to offer the highest quality combined with cost-effectiveness.

The evaluation will be carried out in three stages as follows:

- Stage 1 involves assessing the answers to the questions in the RFP in relation to the award criteria. The Fund Manager's answers to the questions will be evaluated and scored.

- Stage 2 means that the eighteen (10) tenders with the highest score in Stage 1 will be invited to interviews, see section 6.14. During the interviews, the information provided in the Fund Manager's tender is verified. Points may be deducted if verification is not possible.
- Stage 3 means that the Fund Managers who have participated in the interviews will be given the opportunity to submit a final offer of a lower Procured Price (see Annex A to the Fund Agreement with appendices, Annex 6) than the one stated in the tender.

The Fund Managers whose tenders have received the highest final score after all stages of the evaluation will be awarded Fund Agreements. A maximum of five (5) Fund Agreements will be awarded. The number of awarded Fund Agreements may be lower than this if there are not enough valid tenders remaining after the evaluation or if the premium pension assets to be transferred to the Fund are too small, see below point 6.16, see also Chapter 11, "Objective criteria for equivalent Funds and for the allocation scheme".

The award criteria have been structured into sub-criteria in the form of subject areas containing questions related to the subject area. Each sub-criterion in the form of a subject area has been given its own electronic tender form. The specific questions for each subject area can be found in the respective electronic tender form.

Each question has a weight within the framework of the weighting for each award criterion. Award criteria, sub-criteria, questions and weights are set out in the RFP.

The high quality award criterion, chapters 4 - 11, has a weight in the range of 70 - 75 per cent and the cost-effectiveness award criterion, chapter 12, has a weight in the range of 25 - 30 per cent. The final weighting for the award criteria of high quality and cost-effectiveness is determined during the evaluation.

Some questions are of particular importance and have a higher weight within each sub-criterion. The weights for the questions of particular importance and the weights for the other questions are indicated in the introduction to each chapter.

The tender answers will be assessed on the basis of the assessment criteria and reference points set out in the introduction to each chapter of the RFP and, where applicable, in an individual question. The evaluation will result in tenders being awarded points for each question as indicated in Table 1 below. Between 1 and 4 points can be awarded for each answer to a question in each sub-criterion.

Failure to answer a question in chapters 4-12 will result in 0 (zero) points being awarded and thus affect the overall score. In rare cases, the answer to a question will result in only 1 or 4 points being awarded. This will be indicated in the relevant question. However, even in these cases, failure to provide an answer will result in 0 points.

A tender that lacks answers to any of the questions in chapters 4-12 will not be rejected, except if information on the Procured Price, question 12.1 of the RFP, is missing. If the answer to question 12.1 is missing, the tender will be rejected. FTN considers the information in this question to be of particular importance for the procurement.

With regard to Chapter 12 Fees, which is the sub-criterion of the award criterion Cost-effectiveness, it can be stated in particular that the answer to question 12.1 will be assessed as described in point 6.13. The other questions in Chapter 12 are scored according to Table 1, i.e. just like the questions in Chapters 4-11.

With regard to question 12.1, it should also be emphasised that it is important that the Fund Managers submit their best offer for the Procured Price in the initial submission of the tender, as the negotiations in the last stage of the evaluation (stage 3) will take place with a limited number of Fund Managers.

FTN will score tenders on the basis of the above assessment criteria and reference points, as well as the reliability and credibility of the answers. The reliability and credibility of the answers requires answers given to one question, for instance, not to be contradicted by answers given to another question or by facts provided. Such shortcomings may lead to lower scores. FTN will then make an over-all assessment of the tender answers based on all aspects of the Fund Managers' answers. Fund Managers are therefore urged to provide clear, concrete, relevant and well-reasoned answers to all questions in the RFP. Additionally, FTN is entitled to verify the information provided at any time during the procurement process by obtaining documentation, certificates or other evidence, for example, from sources other than the Fund Manager.

The answers to each question are assigned a certain score. The score is multiplied by the weight of the relevant question. The total score for each tender will be the sum of the weighted scores. For example, if after all answers have been evaluated and totalled, the tender achieves a score of 3, this corresponds to 75 per cent of the total possible score.

The tables below describe what is required to obtain a certain score. Table 1 refers to questions where quality or cost-effectiveness is assessed and tables 2-4 refer to the assessment of answers to question 12.1 in the Tender Documentation.

**Table 1**

scale	
4	The tender answer demonstrates in a highly credible and reliable manner that the answer provided indicates that the Fund will be of very high quality in the requested respect.
3	The tender answer demonstrates in a credible and reliable manner that the answer provided indicates that the Fund will be of high quality in the requested respect.
2	The tender answer demonstrates with limited credibility and reliability that the answer provided indicates that the Fund will be of high quality in the requested respect.
1	The tender answer does not demonstrate with credibility and reliability that the answer provided indicates that the Fund will be of high quality in the requested respect.
0	The question has not been answered.

### 6.13. Details on the evaluation of question 12.1

Tenderers shall indicate the Procured Price by providing the information requested in Annex 4, Supplementary Information under the tab "Question 13-1". The Procured Price is calculated by FTN, according to the example in Table 2, as the sum of the stated management fee and the stated administration and operating costs, together referred to as the Management Costs in accordance with what is stated in the Fund Agreement, Annex A. If the Management Costs are the same regardless of the size of the Swedish Pensions Agency's invested capital, it is sufficient to fill in the same information on lines 1 and 5 as shown in the example below.

**Table 2**

Interval	Size of the Swedish Pension Agency's Invested capital		Procured Price (Annual management cost) (Bp)	Annual management fee (Bp)	Annual administrative and operational costs (Bp)
	Minimum amount in Interval (SEK)	Maximum amount in Interval (SEK)			
1	0	7 000 000 000	12,00	10,00	2,00
2	7 000 000 001		-		
3	7 000 000 001		-		
4	7 000 000 001		-		
5	7 000 000 001	999 999 999 999	12,00	10,00	2,00

If the Tenderer offers a price model where the Management Costs vary with the size of the Swedish Pensions Agency's invested capital, the first de-escalation shall take place at SEK 7,000 million. A maximum of five ranges may be specified.

Below in Table 3 is an example of how the table can be filled in for  $Tender_{example}$  if a staircase model of Management costs is applied.

**Table 3**

Interval	Size of the Swedish Pension Agency's invested capital		Procured Price (Annual management cost) (Bp)	Annual management fee (Bp)	Annual administrative and operational costs (Bp)
	Minimum amount in interval (SEK)	Maximum amount in interval (SEK)			
1	0	7 000 000 000	12,00	10,00	2,00
2	7 000 000 000	9 000 000 000	11,00	9,00	2,00
3	9 000 000 000	11 000 000 000	11,00	9,00	2,00
4	11 000 000 000	13 000 000 000	10,00	8,00	2,00
5	13 000 000 000	999 999 999 999	8,00	7,00	1,00

In order to compare and evaluate the various tenders in question 13.1, a capital-weighted procured price (CWP) is calculated based on the information provided by the Fund Manager in Table 3 and the weights and size of the Swedish Pensions Agency's invested capital specified in Table 4. The calculation of the CWP is based on the following formula:

$$\begin{aligned}
 CWP_{Tender} = & 75\% * \text{Procured Price}_{7000} + 10\% * \text{Procured Price}_{9000} + 5\% \\
 & * \text{Procured Price}_{11000} + 5\% * \text{Procured Price}_{13000} + 5\% \\
 & * \text{Procured Price}_{15000}
 \end{aligned}$$

The calculation for the given example,  $Tender_{example}$ , is presented in Table 4 below and results in a CWP of  $Tender_{example}$  of 11.88Bp (0.1188%).

**Table 4**

	Weight	Procured Price (Annual management cost) (Bp)	Annual management fee (Bp)	Annual administrative and operational costs (Bp)
<b>The Swedish Pension Agency's invested capital (mSEK)</b>				
7000	75%	12,00	10,00	2,00
9000	10%	11,78	9,78	2,00
11000	5%	11,64	9,64	2,00
13000	5%	11,38	9,38	2,00
15000	5%	10,93	9,07	1,87
Tender	100%	11,88		

The Procured Price for different sizes of the Swedish Pensions Agency's invested capital has been calculated as follows<sup>1</sup>:

$$\text{Procured Price}_{7000} = \frac{\text{Price range}_1 * 7\,000\,000\,000}{7\,000\,000\,000}$$

$$\text{Procured Price}_{9000} = \frac{\text{Price range}_1 * 7\,000\,000\,000 + \text{Price range}_2 * 2\,000\,000\,000}{9\,000\,000\,000}$$

$$\text{Procured Price}_{11000} = \frac{\text{Price range}_1 * 7\,000\,000\,000 + \text{Price range}_2 * 2\,000\,000\,000 + \text{Price range}_3 * 2\,000\,000\,000}{11\,000\,000\,000}$$

$$\text{Procured Price}_{13000} = \frac{\text{Price range}_1 * 7\,000\,000\,000 + \text{Price range}_2 * 2\,000\,000\,000 + \text{Price range}_3 * 2\,000\,000\,000 + \text{Price range}_4 * 2\,000\,000\,000}{13\,000\,000\,000}$$

$$\text{Procured Price}_{15000} = \frac{\text{Price range}_1 * 7\,000\,000\,000 + \text{Price range}_2 * 2\,000\,000\,000 + \text{Price range}_3 * 2\,000\,000\,000 + \text{Price range}_4 * 2\,000\,000\,000 + \text{Price range}_5 * 2\,000\,000\,000}{15\,000\,000\,000}$$

The conversion of *CWP* to points for a specific tender is done as follows: The lowest *CWP* ( $CWP_{min}$ ) receives four (4) points. The lower of the highest *CWP* ( $CWP_{max}$ ) and 45 Bp receives one (1) point.

$$\text{Score Tender}_n = \frac{(CWP_{Max} - CWP_n)}{(CWP_{Max} - CWP_{Min})} * 3 + 1$$

In the above example, the highest *CUP* ( $CWP_{Max}$ ) is 0.45% and the lowest *CWP* ( $CWP_{min}$ ) is 0.10%. The tender in the example,  $Tender_{example}$ , with a *CWP* of 11.88Bp (0.1188%). Bp would score 1.71 under these conditions.

#### 6.14. Interviews

In this procurement, FTN will conduct interviews with selected Fund Managers in order to review and verify the answers and information in the tender against FTN's analysis and evaluation and thus also verify that the Fund Manager is a reliable party. The interviews will be conducted in an equitable manner for all Fund Managers who proceed to this stage, which means that the meeting agendas for each type of meeting will be identical and contain timeframes with which participants will be required to comply.

<sup>1</sup> In the example, Procured Price for an invested capital of 2500 million SEK is denoted as Procured Price<sub>2500</sub>, Procured Price for an invested capital of 3000 million SEK Procured Price<sub>3000</sub> and so on.



After the first evaluation (stage 1), all tenders are ranked. The Fund Managers whose tenders receive the highest score in the first evaluation, limited to a maximum of 10 tenders, may be selected for interviews. The purpose of the interviews is to allow FTN to verify the information provided in the tender.

Tenders must also have a score of at least 2.8 or higher to be selected for the interview sessions. The number of tenders advancing to the next stage may be lower than 10 if there are less than 10 valid tenders remaining after the evaluation in Stage 1. The interviews constitute stage 2 of the evaluation.

Prior to the interviews, FTN will perform a comprehensive analysis, including economic, financial and quantitative, based on the information submitted in the tender answer and the transactional information provided by the interviewees in response to question 3.4 of the RFP. During the interviews, Fund Managers will have an opportunity to present their tenders and FTN will ask questions as appropriate. All Fund Managers will be given the same amount of time for this.

There will be two types of meetings, investment review interviews and operational review interviews. The meetings may be held in different locations where relevant employees from the Fund Manager's and, if applicable, the Investment Manager's organisation are located. The meetings may be held at different times, but also at the same location and in one context. The meetings will take place at the Fund Managers' and/or, if applicable, the Investment Managers premises. The evaluation in this procurement is expected to take a long time, which is why the dates of the meetings cannot be specified at this point, but will be communicated to the Fund Managers who have progressed to an interview in good time before the meetings are intended to take place.

The meeting agenda will include the following items:

#### **Agenda Interview meeting – Investment Review**

Topic	Time (max)
Introduction from FTN	10 min
Presentation of the Fund Manager and, if applicable, the Investment Manager	20 min
Review of investment management and the Fund	2h 10 min
- Resources (staff etc.)	
- Philosophy, portfolio construction and process, including integration of sustainability and system support	

- Risk control of investments	
- Returns	
Remaining questions	10 min
Conclusion	10 min

**Agenda Interview meeting – Operational Review**

Topic	Time (max)
Introduction from FTN	10 min
Presentation of the Fund Manager	20 min
Operational review	1h 50 min
- Implementation	
- Risk management of the Fund	
- Internal governance and control (Fund Manager)	
- Administration	
Remaining questions	10 min
Conclusion	10 min

The times indicated in the agenda may vary from interview to interview, depending on what is needed. This is because it can be assumed that different Fund Managers will need to spend different amounts of time on different agenda items. However, the times indicated are maximum times for each point, which means that no Fund Manager will be given more time than indicated to explain their tender in relation to that point.

If the Fund Manager's tender answer in respect of the award criteria cannot be verified, FTN will deduct points from the score given in the first stage of the evaluation (Stage 1). Deductions will be made following reassessment in accordance with the descriptions of how the tender is evaluated. Thus, the assessment made by FTN as a result of the interviews can result in the Fund Manager either retaining the points awarded in the first evaluation (Stage 1) or having points deducted. FTN's assessment cannot result in Fund Managers being awarded more than the number of points awarded in the first evaluation. If the Fund Manager's tender answer in respect of the award criteria cannot be verified, FTN will deduct points from the score given in the first stage of the evaluation (Stage 1). Deductions will be made following reassessment in accordance with the descriptions of how the tender is evaluated. The assessment made by FTN as a result of the interviews can result in the Fund Manager either retaining the points awarded in the first evaluation (Stage 1) or having points deducted. FTN's assessment cannot result in Fund Managers being awarded more than the number of points awarded in the first evaluation.

Within the framework of Stage 2, other tenders may be subject to further consideration in the following cases:

If, after the interview, the tenders of the Fund Managers interviewed have received such a large deduction of points that the tender of a Fund Manager not invited to interview has a high enough score to place fourth or higher in the ranking, any such Fund Manager not invited to interview will also be invited to an interview.

However, in such a case the tender of the Fund Manager not invited to interview must also meet the requirement of a score of no less than 2.8. Any additional interviews will be conducted in the same way as the regular interviews, and points may be deducted. This process will be repeated as long as points deductions for interviewed Fund Managers mean that there will be a Fund Manager not invited to interview with a tender with a high enough score to place fourth or higher in the ranking.

All meetings and any changes in the scores obtained compared to the first evaluation (Stage 1) will be documented. This will be done to ensure that the process is conducted in a transparent and equitable manner and that it does not conflict with the other principles of procurement law.

#### 6.15. Negotiation of Procured Price

After the meetings have taken place, all Fund Managers who have been selected for interviews will be offered the opportunity to, in writing, submit a revised final offer of a lower Procured Price, than the one previously submitted in the tender in response to question 13.1. See section 6.14 "Interviews" for more information on how Fund Managers are selected in Stage 2 of the evaluation.

The negotiation of the Procured Price constitutes Stage 3 of the evaluation. The purpose of this negotiation is to obtain a more favorable price level, if possible. This is the final stage in the evaluation process. Requesting and submitting the revised tender in writing and documenting the process means that FTN is able to ensure that the negotiation process is conducted in a transparent manner and that the Fund Managers who have proceeded to this stage are all treated equally. FTN will not require a specific reduction or conduct a multi-round dialogue. There will be one single opportunity to revise the Procured Price. Negotiations regarding the Procured Price will not be conducted in any other way (e.g. orally). Therefore, the offer of the Procured Price under 13.1 is the subject of the negotiation.

FTN will compile the results of the interview meetings and the tenders will be re-ranked, taking into account any new lower Procured Price, as well as any point deductions.



Please note that the Fund Agreement itself will not be subject to negotiation.

The negotiations will be documented.

#### 6.16. Awarding of Fund Agreements

Once the interviews and negotiations regarding the Procured Price have been completed, the tenders submitted by Fund Managers who participated in all stages of the evaluation undergo final evaluation. This evaluation will result in an award decision.

The Fund Managers submitting the four tenders that received the highest total scores after the interviews and final negotiations will be awarded a Fund Agreement, provided that as many valid tenders remain.

Note that the number of Fund Agreements may also be reduced if the premium pension assets to be allocated to a Fund after application of the allocation scheme result in premium pension assets being less than 50 per cent of the intended allocation, which amounts to one fourth each of the premium pension assets to be transferred from the existing funds to the procured Funds. However, the number of Fund Agreements may not be less than three so as not to restrict the pension savers' freedom of choice. See also Chapter 11, "Objective criteria for equivalent funds and for the allocation scheme".

FTN will inform all Fund Managers about the award decisions through e-Avrop. A standstill period of no less than 10 days will apply once all Fund Managers have been informed of the award decision, in accordance with the provisions of Chapter 3, Section 2 of LUP. FTN may not enter into agreements for the duration of the standstill period. During the standstill period, Fund Managers may apply to the administrative court for a review of the procurement. The dates for the standstill period will be stated in the award decision, in addition to the date on which Fund Agreements may be entered into.

FTN will be entitled to reconsider an award decision if FTN finds, after the award decision but before signing the Fund Agreement, that the information provided by the Fund Manager proves to be incorrect or does not correspond to the actual circumstances. In the event of such a reconsideration, the next unawarded Tenderer in the ranking will be awarded a Fund Agreement, provided that this tender has progressed to and through the interviews. Also, in this case, a Fund Manager who has not previously been invited to an interview may be invited to such a meeting if none of the unawarded tenders for the Fund Managers already interviewed has a higher score than the tender of the Fund Manager not interviewed. An additional condition is that the tender of the Fund Manager not interviewed has a score of no less than 2.8.

An award decision does not result in a legally binding agreement between FTN and the awarded Fund Manager(s). A legally binding agreement for both parties arises when FTN has signed the Fund Agreement.

### 6.17. Signing of the Fund Agreement

After the standstill period has expired, the Fund Agreement will be signed by FTN and the respective awarded Fund Manager.

### 6.18. Procurement timetable

The timetable below is subject to change and Fund Managers are advised to carefully review the information on deadlines in other parts of the Procurement Documents and to monitor any update of information in e-Avrop.

Date	
2024-09-09	The procurement notice is published on e-Avrop.
2024-10-21	Last day to submit questions about the procurement (10 days before the tender deadline).
2024-10-25	Last day for publishing answers to questions (6 days before the tender deadline).
2024-10-31	Last day for submission of tenders.
	Invitations to interview meetings are sent out well in advance, but no later than 3 weeks before.
	Interview meetings with selected Fund Managers.
	FTN decides on award.
	Fund Managers are notified of the award decision, via e-Avrop.
	Signing of the Fund Agreement (at the earliest 10 days after the award decision, date specified in the award decision).

## 7. Exclusion grounds

The Funds to be procured must be suitable for the premium pension fund platform. For this reason, it is necessary for FTN to apply certain grounds for exclusion. Grounds for exclusion means that if a Fund Manager, or where applicable its appointed Investment Manager, is subject to any of the grounds for exclusion, FTN shall, or in some cases may, exclude the Fund Manager from further participation in the procurement. This is provided that FTN assesses that the circumstances that may form the basis for exclusion are so serious that the Fund cannot be admitted to the premium pension fund platform and that the Fund Manager has not taken sufficient measures in response to the incident in question to prevent its recurrence.

The full version of the grounds for exclusion can be found in Annex 3, Exclusion grounds and mandatory requirements.

As stated in Annex 3, an investigation must be carried out before FTN decides to exclude a Fund Manager, and that exemptions from exclusion may be granted in certain cases.

A Fund Manager submitting a tender must confirm, by means of self-declarations, that neither the Fund Manager, nor any Investment Manager, is subject to the grounds for exclusion. This is done by answering the relevant questions in the RFP, section 2.1.

## 8. Mandatory requirements

The mandatory requirements for the Funds and Fund Managers are directly linked to the subject matter of this procurement and relate, among other things, to the Funds' suitability for the premium pension fund platform and their sustainability and controllability. The requirements are considered necessary to achieve the purpose of the procurement and are not subject to negotiation during the procurement.

The mandatory requirements for the Funds and Fund Managers can be found primarily in Annex 3, Exclusion grounds and mandatory requirements. Mandatory requirements are also found elsewhere in the Procurement Documents, mainly in the RFP, Chapters 1-3, and Annex 2, Procurement Specifications. The text then clearly indicates that it is a requirement that must be met. When there is a mandatory requirement elsewhere, it is clearly stated that it is a mandatory requirement that must be met.

A Fund Manager submitting a tender must confirm by means of self-declaration that the mandatory requirements set out in Annex 3, Exclusion grounds and mandatory requirements, are met by answering the question regarding this in the RFP. All other questions regarding mandatory requirements in the RFP or, where applicable, elsewhere in the Procurement Documents, must be answered and the mandatory requirements met. Tenders submitted by Fund Managers who do not accept/meet the mandatory requirements will be rejected and will not proceed to the evaluation stage. The degree to which a mandatory requirement is met, i.e. that a Fund Manager meets a mandatory requirement to a greater degree than requested in the requirement, will not be evaluated.



## 9. Principle of public access and secrecy

### 9.1. Information on applicable rules relating to secrecy

This is a general and not an exhaustive description of all potentially applicable public access and secrecy/confidentiality regulations, as it is not possible to include a detailed description in this document.

FTN is a Swedish government agency, and its activities are subject to the Swedish principle of public access to official records set out in the Freedom of the Press Act, which is one of Sweden's constitutional laws, and the provisions on secrecy in the Swedish Public Access to Information and Secrecy Act (2009:400) that restrict the right to access public documents. Under the provisions of the Freedom of the Press Act, all documents submitted to FTN become what are known as public documents. Public documents are public insofar as they are not subject to secrecy or confidentiality. Insofar as such documents are public, they can be accessed by anyone who requests their disclosure. The provisions of the Freedom of the Press Act and the Swedish Public Access to Information and Secrecy Act are complex, and often subject to complex interpretations. FTN provides an overview of the rules below. Anyone who would like more detailed information should refer to the legal text, case law or jurisprudential literature or seek legal advice. FTN emphasises that the provisions presented are subject to change, not through the actions of FTN, but through new legislation or changes in case law.

During the procurement, all information relating to a tender is subject to absolute secrecy in accordance with Chapter 19, Section 3, second paragraph of the Swedish Public Access to Information and Secrecy Act. This means that no information about the tender may be disclosed to anyone other than the Fund Manager who submitted the tender until the decision to award a Fund Agreement has been announced or the procurement process has been concluded for any other reason.

The decision to award Fund Agreements will itself be public. This means that there will be no information in the decision that FTN deems to be bound by secrecy or confidentiality. The award decision becomes public when it is announced.

The tenders are no longer subject to absolute secrecy after the award decision for Fund Agreements has been announced or the procurement has been closed for any other reason. Some information in a tender may still be regarded as being bound by secrecy or confidentiality. This assessment will primarily be made pursuant to Chapter 19, Section 3 and Chapter 31, Sections 16 and 17a of the Swedish Public Access to Information and Secrecy Act.

According to these provisions, information can be bound by secrecy or confidentiality if it can be assumed that the public sector will suffer damage if the information is disclosed. Secrecy or confidentiality may also apply to information about an individual's business or operating circumstances when the individual has entered into a business relationship with an agency, if it can be assumed for a special reason that the individual will suffer harm if the information is disclosed. An individual in this case refers to both companies and natural persons.

Finally, secrecy or confidentiality may also apply to individuals who have entered into a business relationship with a Fund Manager, for example, who is participating or has participated in a procurement of Funds or entered into a Fund Agreement, if it can be assumed that the individual will suffer harm or detriment if the information is disclosed. An individual in this case refers to both companies and natural persons. Only natural persons can suffer detriment. For natural persons, detriment means harm other than economic harm, such as the risk of being held in contempt by others. In these cases, secrecy/confidentiality may apply at FTN with regard to information about such individuals' business or operating circumstances or other financial or personal circumstances when the individual has entered into a business or similar relationship with a Fund Manager who is participating or has participated in a procurement of Funds or entered into a Fund Agreement under LUP, if it can be assumed that the individual will suffer harm or detriment if the information is disclosed.

It can be noted that there are therefore different secrecy/confidentiality requirements for anyone entering into a business relationship with an agency and anyone who has entered into such a relationship or a similar relationship with a Fund Manager. According to FTN's interpretation of current case law, entering into a business relationship with a public agency begins as soon as the individual submits a tender to the agency in its function as a contracting authority. Therefore, there is no requirement for an agreement also to have been concluded.

It is also possible to keep personal data secret/confidential if it can be assumed that the information will be processed after disclosure in breach of the General Data Protection Regulation (see section 10 for the full name of the law) and a number of other provisions: see Chapter 21, Section 7 of the Swedish Public Access to Information and Secrecy Act in both cases.

Under secrecy/confidentiality regulations, the primary rule is that information in tenders must generally be disclosed, i.e. the information is public information.

Information in a public document is bound by secrecy/confidentiality according to Chapter 19, Section 3 and Chapter 31, Sections 16 and 17a for a maximum of twenty years. Documents setting out the terms of an agreement, however, are bound by secrecy/confidentiality for no more than two years after conclusion of the agreement. According to FTN's interpretation of current case law, the two-year period of validity also applies to annexes to an agreement.

9.2. Provide information on what information the Fund Manager thinks should be bound by secrecy/confidentiality

If a Fund Manager believes that a piece of information provided in a tender submitted by the Fund Manager should be bound by secrecy/confidentiality, the Fund Manager must specify in writing in the tender what information is referred to and, for each piece of information, provide a justification explaining for what special reason the Fund Manager will suffer harm if that piece of information is disclosed.

Similarly, the Fund Manager needs to specify in the Tender in writing which information about an individual who has entered into a business relationship with the Fund Manager (e.g. an Investment Manager) should be bound by secrecy/confidentiality and, for each piece of information, provide a justification explaining why the individual or the individual who has entered into a business relationship with the Fund Manager (e.g. an Investment Manager) would suffer harm or detriment if the information were disclosed.

Please, provide the requested information in accordance with question 1.19 of Annex 1, the RFP.

If a Fund Manager fails to provide such clarifications, it is very difficult for FTN to know why a piece of information should be kept secret/confidential: this increases the risk of disclosing information that should be bound by secrecy/confidentiality. The information provided by the Fund Manager in this regard is therefore of great importance. Fund Managers are advised to avoid making broad declarations that all information in the tender should be bound by secrecy/confidentiality. The courts in Sweden normally require that precise reasons for as to why information should be bound by secrecy/confidentiality, otherwise the courts are highly likely to decide that the information should not be bound by secrecy/confidentiality.



The fact that a Fund Manager has requested secrecy/confidentiality does not guarantee that the information in question will be bound by secrecy/confidentiality, but FTN will perform an independent secrecy/confidentiality assessment in each individual case, taking into account the explanation that the Fund Manager has submitted in respect of secrecy/confidentiality. FTN is obliged to apply Swedish secrecy/confidentiality legislation, primarily the Swedish Public Access to Information and Secrecy Act. Therefore, FTN's decision on whether information should be bound by secrecy/confidentiality may ultimately be reviewed by a court. A court's assessment may be different to that of FTN. Neither FTN nor the individual whose information has been requested may appeal a court ruling in a secrecy/confidentiality case.

FTN will not conclude a secrecy/confidentiality agreement.

## 10. Processing of personal data

The General Data Protection Regulation<sup>1</sup> entered into force on 25 May 2018 and is binding and directly applicable in all EU Member States.

The Swedish Pensions Agency serves as the host authority for FTN. The authorities are jointly responsible for administration of the premium pension system. However, each authority is assigned different tasks. FTN is the data controller for the processing of personal data in relation to the authority's decisions and related administrative tasks. The Swedish Pensions Agency's assignment includes performing certain administrative tasks on behalf of FTN. These administrative tasks mainly include the processing of personal data by the Swedish Pensions Agency concerning the categories of data subjects processed by FTN, as set out below. The Swedish Pensions Agency is the personal data processor in relation to FTN for the personal data processing performed within the framework of this assignment.

FTN processes personal data for the purpose of assessing the suitability and reliability of Fund Managers in order to ensure the stability and trustworthiness of the premium pension in connection with the procurement process and review of Fund Managers and Funds for the fund platform within the framework of agreement monitoring.

The legal basis for the processing of personal data is that processing is necessary for FTN to be able to perform a task in the public interest, namely to procure funds that fully meet the requirements set out in the Act on the Procurement of Funds for the Premium Pension Fund Platform (2022:760). The processing of personal data is also necessary for FTN to be able to perform the other tasks specified in the aforementioned Act, the Act on the Fund Selection Agency (2022:759) and Chapter 64 of the Social Insurance Code.

The categories of data subjects whose personal data may be processed are the employees, owners, representatives and other Key Persons and relatives of Fund Managers and Investment Managers. Processing may also involve personal data relating to representatives of partners and Investment Managers.

The categories of personal data that may be processed are name, employer, position, contact details such as work telephone number and email, length of employment, qualifications, education, ownership, financial information, board role and relationship to owners, information on holdings in other legal entities, board assignments in other companies or organisations, and information about

interventions by supervisory authorities, disciplinary measures by trade organisations or other such events, such as trading prohibitions, bankruptcy or insolvency proceedings, and the inclusion of the data subject on warning lists.

Pursuant to Chapter 3, Section 10 of the Act containing supplementary provisions to the EU General Data Protection Regulation (2018:218) (hereinafter “the Data Protection Act”), personal identity numbers may be processed to ensure secure identity verification. Data on transgressions of the law may also be processed pursuant to Chapter 3, Section 8 of the Data Protection Act.

Failure to provide the requested personal data may result in the tender receiving a lower score or being rejected, whichever is appropriate based on the content in the relevant place in the Procurement Documents.

For more information on how FTN processes personal data, including the right of data subjects, see [www.ftn.se](http://www.ftn.se).

## 11. Objective criteria for the equivalence of Funds and for the allocation scheme

The objective criteria for which funds are deemed equivalent in accordance with the provisions of Chapter 2, section 22 of LUP are shown in the characteristics below:

### Characteristic features

Investment universe:	Swedish equities, large and mid cap companies
Strategy:	Passive management
Sustainability:	According to SFDR
Regulatory framework:	UCITS

In addition to the above, guiding characteristics such as risk, fee and correlation have served as criteria.

The objective criteria for the allocation scheme, in accordance with Chapter 2, Section 23 of LUP, are as follows:

The premium pension funds to be transferred from one or more funds within the Fund Category shall be distributed in equal shares to the other procured Funds in the Fund Category, with the following exceptions:

A Fund that have previously applied for and received registration on the fund platform in accordance with older legal regulations which, after a completed procurement in accordance with the current legal regulations, are assigned a procured Fund Agreement (“existing procured Fund”) may retain their existing premium pension capital. An existing procured Fund may also receive an additional allocation of funds at the time of allocation, but only with amounts required for the premium pension capital in the Fund to total to the same amount as other procured Funds within the Fund Category (excluding existing procured Funds whose premium pension capital already exceeds its hypothetical share of the capital to be redistributed). The same applies if the Fund is part of a feeder-master fund structure and the conditions for transferring funds to the beneficiary fund in the main document of the Fund Agreement are met.

The reason for the exception is that it reflects the importance of respecting pension savers’ own choice, which takes precedence over the criteria for the allocation scheme.

The Swedish Pensions Agency is the party that transfers pension funds according to the allocation scheme. In terms of the procured Fund Category, this transfer of

relevant funds must be done in descending order based on the size of the balances in pension savers' premium pension accounts.

The following stages are applied:

1. The procured Funds that are on the fund platform at the start of the procurement and that initially have more premium pension capital than the capital that can be obtained if the remaining capital is divided equally, retain their capital.
2. The remaining capital is distributed equally between the other winning tenders. The funds that are on the fund platform at the start of the tender procedure that have a lower share of the capital than in the case of equal allocation of the remaining capital will retain their capital and additional capital is added to achieve an equal share, with the exception of the Fund(s) that have retained funds in accordance with point 1.

Example: The following funds are available on the fund platform:

Fund	Capital (SEK billion)
Fund A	5
Fund B	8
Bottom C	2
Fund D	4
Fund E	1
Total	20

All of the above funds and funds F - Z are participating in the procurement. The winning tenders in the procurement are Fund B, Fund E, Fund N, Fund X and Fund Y. The result means that Fund A, Fund C and Fund D will not be awarded Fund Agreements and the funds will be allocated to the Funds that have been awarded a Fund Agreement in the procurement. In accordance with the above, the existing Funds B and E on fund platform will be awarded a new Fund Agreement, with Fund B retaining the capital of SEK 8 billion, and Fund E retaining the current capital of SEK 1 billion, the latter receiving additional allocation in order to reach the same level as the other winning tenders. This therefore leaves SEK 12 billion to be allocated to four Funds, of which SEK 1 billion is already held by Fund E. Capital to be reallocated to four Funds is SEK 11 billion and the winning tenders, with the exception of the existing Fund B, will manage SEK 3 billion each after the final allocation.





The results are as below.

Fund	Capital in existing funds on the platform (SEK billion)	Capital to be re-allocated (SEK billion)	Final allocation of capital (SEK billion)
Fund B	8	-	8
Fund E	1	2	3
Fund N	-	3	3
Fund X	-	3	3
Fund Z	-	3	3
			20

## 12. List of annexes

Annex	Document
Annex 1	Request for Proposal (RFP)
Annex 2	Procurement Specifications
Annex 3	Grounds for exclusion and mandatory requirements
Annex 4	Supplementary information (Excel)
Annex 5	Template for Transactions (Excel)
Annex 6	Fund Agreement with annexes (Annexes A, A1, B, C and Annex Instructions to the Fund Agreement).
Annex 7	Signing of tenders