

IMPORTANT NOTICE: This version is a translation of the original Swedish decision and is only made available for information purposes.

**NASDAQ STOCKHOLM'S
DISCIPLINARY COMMITTEE**

**DECISION
2024:04**

27 September 2024

Nasdaq Stockholm
Physitrack PLC

DECISION

The Disciplinary Committee orders Physitrack PLC to pay a fine to Nasdaq Stockholm corresponding to two times the annual fee.

Motion

The shares in Physitrack PLC ("Physitrack" or the "Company") are traded on the Nasdaq Stockholm (the "Exchange") Nasdaq First North Growth Market trading platform. The Company has signed an undertaking to comply with the Exchange's Rule Book for Nasdaq First North Growth Market applicable from time to time (the "Rule Book").

The Exchange has argued that the Company violated the Rule Book by failing to disclose its financial statement release on a non-discriminatory basis.

The Company has admitted the violation of the Rule Book.

Neither of the parties has requested an oral hearing. The Disciplinary Committee has reviewed the documents in the matter.

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Reasons for the decision

The Rule Book

Pursuant to section 4.1.1 of the Rule Book, an issuer shall disclose inside information in accordance with Article 17 of Regulation (EU) No. 596/2014 of the European Parliament and of the Council of 16 April 2014 (“MAR”).

Pursuant to Article 17 of the MAR, the issuer shall inform the public as soon as possible of inside information which directly concerns that issuer. The inside information must be made public in a manner which enables fast access and complete, correct and timely assessment of the information by the public.

Pursuant to Article 2.1 of Commission Implementing Regulation (EU) 2016/1055 of 29 June 2016 (the “Implementing Regulation”), the issuer shall disclose inside information using technical means that ensure that the information is disseminated to as wide a public as possible on a non-discriminatory basis.

Considerations

Publication of the annual report

On 28 February 2024, the Company published its financial statement release for 2023 in a press release. The press release contained information that the financial statement release had been published one day earlier than originally intended due to a technical error that temporarily made the report available on the Company's website. In addition, the press release contained a reference that the information was of the type that the Company was obligated to make public pursuant to the MAR.

The Exchange has argued: It is undisputed that the Company published its financial statement release on a discriminatory basis on its website before the information was published in a press release. The information has thus not been disclosed in accordance with Article 17 of the MAR and Article 2.1 of the Implementing Regulation. The Company thereby violated section 4.1.1 of the Rule Book.

The Company has argued: The Company stipulates that due to a technical error, the financial statement release for 2023 was made available prematurely on Physitrack's website. This inadvertent disclosure was due to an internal oversight. When the Company became aware of the incorrect disclosure, the Company's Certified Adviser was immediately contacted to assess the situation and determine an appropriate course of action. Within a few minutes, the Company was able to send out a press release through its usual channels.

The Disciplinary Committee observes that it is undisputed that the Company has not disclosed the financial statement release for the 2023 financial year in accordance with section 4.1.1 of the Rule Book. The Disciplinary Committee holds that the violation is serious, and therefore a fine shall be imposed as a sanction. At the same time, the Disciplinary Committee takes into account that the Company promptly took measures to address the incident. The Disciplinary Committee sets the fine at two times the annual fee.

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On behalf of the Disciplinary Committee,

A handwritten signature in blue ink, appearing to read 'Marianne Lundius', is centered on a light gray rectangular background.

Marianne Lundius

Former Justice Marianne Lundius, Justice Johan Danelius, former authorised public accountant Svante Forsberg, *Advokat* Magnus Lindstedt, and company director Kristina Schauman participated in the Committee's decision.

Secretary: Associate Professor Erik Lidman