



Consumer sales of tobacco products

Before you sell tobacco products to consumers, you must apply to the municipality for a permit. To obtain a permit, you must show that you are a suitable person to run such a business. If you intend to conduct cross-border distance sales to Sweden, you must first register with the Public Health Agency of Sweden.

This information leaflet summarises some of the provisions that apply to retailers. However, it is important that you familiarise yourself with all of the rules that apply to your business.

Definitions

- Retail means direct sales to consumers.
- A point of sale is a physical place of business or a website used as a retail outlet.
- A physical point of sale is a specific premises or other delineated space in which a merchant sells to a customer, most commonly a shop of some kind.
- Cross-border distance sales to Sweden means that the consumer is located in Sweden while the retailer is in another country.

You need a permit

You need a permit to sell tobacco products to consumers. If you intend to sell products from multiple physical points of sale, you must have a permit for each shop or equivalent. If you intend to sell products from both a physical point of sale and a webshop, you must have separate permits.

A permit may be open-ended, it is valid until you relinquish the permit or the municipality revokes it. There are also time-limited permits if, for example, you wish to sell tobacco products at a festival. The requirements placed on applicants are the same regardless of whether the permit is open-ended or time-limited.

Submit your application to the municipality

If you intend to sell in a physical shop, submit your application to the municipality in which the shop is located. If you intend to sell in a webshop and you do

not have a physical shop, submit your application to the municipality in which your business is registered. If your business is not registered in Sweden, submit your application to the municipality in which your company has a permanent place of business.

When examining your application, the municipality may request information from agencies such as the Swedish Police Authority, Swedish Tax Agency and Swedish Enforcement Authority.

The municipality can charge a fee

The municipality is entitled to charge a fee for examining your permit application. The amount may vary from one municipality to another.

You must submit a self-monitoring programme

You must attach a self-monitoring programme to your application to the municipality. The programme shall include the procedures you have in place to ensure the legal compliance of the business, both with regard to sales and the handling of the products in general. The municipality must approve your self-monitoring programme before a permit can be issued.

Cross-border distance sales to Sweden

If you do not have a point of sale or other permanent place of business in Sweden, you can conduct cross-border distance sales to Sweden. However, you must first register with the Public Health Agency of Sweden and receive confirmation of registration. You must attach a self-monitoring programme to your registration form.

The legal age limit is 18

It is illegal to sell or supply tobacco products to anyone under the age of 18. Anyone selling or supplying tobacco products must be certain that the recipient is 18 years of age or over, so it must be possible to check the person's age. This also applies to products sold via, for example, a vending machine, webshop or unstaffed shop.

If you suspect that a product may be passed on to someone under the age of 18, it must not be supplied.

There must always be a clear and visible notice at the point of sale stating that it is prohibited to sell or supply tobacco products to anyone under the age of 18.

Labelling and information leaflet

The packaging of consumer tobacco products must include text and, in certain cases, illustrations warning of the health risks associated with tobacco use. Tobacco products must also have unique identity and security labels.

Further information on labelling can be found in the Act (SFS 2018:2088) and Ordinance (SFS 2019:223) on Tobacco and Similar Products, in related regulations and on the website of the Public Health Agency of Sweden.

Marketing

The marketing of tobacco products to consumers at the point of sale is prohibited. It is permitted to display commercial messages concerning tobacco products in a physical shop, as long as they are not importunate, soliciting or encouraging of the use of such products. If possible, such messages shall be situated so that they cannot be seen from outside the shop. Further information about marketing regulations can be found on the website of the Swedish Consumer Agency.

Inspections and control purchases

- Municipalities, the Swedish Police Authority and the Public Health Agency of Sweden may conduct inspections to ensure that you are running your business in compliance with legislation and regulation.
- You must provide the municipality, the Swedish Police Authority and the Public Health Agency of Sweden with the necessary information and documentation to exercise supervision. They also have the right to access all premises belonging to the company.
- In the exercise of supervision, the municipality may request information from agencies such as the Swedish Police Authority, Swedish Tax Agency and Swedish Enforcement Authority.
- The municipality also has the right to conduct control purchases to check that you and your staff are checking IDs to ensure that you do not sell tobacco products to anyone below the legal age.
- Municipalities and the Public Health Agency of Sweden are permitted to charge a supervisory fee.

Important to comply with the regulations

If you fail to comply with regulations, the municipality may revoke your permit. If the shortcomings are not serious enough to warrant revocation, the municipality may issue a warning or an injunction to rectify the shortcomings.

Anyone who sells or supplies tobacco products to someone under 18 years of age can also be fined or imprisoned.

It is therefore vital that your business has procedures in place to ensure regulatory compliance.

Important things to keep in mind

You need to apply to the municipality for a permit to sell tobacco products. If you intend to conduct cross-border distance sales to Sweden, you must register with the Public Health Agency of Sweden before you start selling.

When you apply to the municipality or register with the Public Health Agency of Sweden, you must submit a self-monitoring programme.

If there are any significant changes to your business, you must notify the municipality and, in some case, the Public Health Agent of Sweden without delay.

It is illegal to sell or supply tobacco products to anyone under 18 years of age.

There must be a clear and visible notice at the point of sale stating that there is an age limit of 18.

The municipality, the Swedish Police Authority and the Public Health Agency of Sweden may conduct inspections.

The municipality may conduct control purchases.