



Consumer sales of electronic cigarettes and refill containers

Before you sell electronic cigarettes and nicotine refill containers to consumers, you must notify the municipality. If you intend to conduct cross-border distance selling, you must first register at the Public Health Agency of Sweden.

This information leaflet summarises some of the things you need to consider. However, it is important that you familiarise yourself with all of the rules that apply to such business operations.

Definitions

- An electronic cigarette, or e-cigarette, is a product that can be used to consume nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank or a device without cartridge or tank.
- A refill container is a receptacle that contains a nicotine-containing liquid, which can be used to refill an e-cigarette.
- 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 sale refers to a transaction during which, at the time the order for the product is placed, the consumer is in Sweden while the retailer is in another country, or the point of sale is in Sweden and the consumer in another Member State.

You must give notification of or register your sales

If you intend to sell in a physical shop, notify the municipality in which the shop is located. If you intend to sell in a webshop and you do not have a physical shop, notify the municipality in which your business is registered. If your business is not registered in Sweden,

notify the municipality in which your company has a permanent place of business.

You must submit a self-monitoring programme

When you notify the municipality or register with the Public Health Agency of Sweden, you must attach a self-monitoring programme. The programme shall include the procedures you and your staff have in place to ensure the legal compliance of the business, both with regard to sales and the handling of products in general.

Cross-border distance sales

If you intend to conduct cross-border distance sales, you must first register with the Public Health Agency of Sweden. You are not permitted to sell anything until you 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 e-cigarettes or refill containers to anyone under the age of 18. Anyone selling or supplying e-cigarettes or refill containers 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

Among other things, the packaging of e-cigarettes and refill containers shall include a content declaration in Swedish, as well as the following text: "Denna produkt innehåller nikotin som är ett mycket beroendeframkallande ämne". The packaging shall also include an information leaflet in Swedish.

Further information on labelling and information leaflets 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.

Defective products

If you are a retailer and you have reason to believe that a product is unsafe, defective or otherwise fails to meet legal or regulatory requirements, you must contact the Public Health Agency of Sweden without delay.

Marketing

It is permitted to display commercial messages concerning electronic cigarettes and refill containers at the point of sale, as long as they are not importunate, soliciting or encouraging of the use of such products. 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.
- 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 electronic cigarettes and refill containers 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 prohibit you from selling the products. If the shortcomings are not serious enough to warrant a prohibition, the municipality may issue a warning or an injunction to rectify the shortcomings.

Anyone who sells or supplies e-cigarettes or refill containers 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 notify the municipality before you start selling these products. If you intend to conduct cross-border distance sales, you must register with the Public Health Agency of Sweden before you start selling.

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

If there are any significant changes to your business, you must notify the municipality or, if you conduct cross-border distance sales, the Public Health Agency of Sweden.

It is illegal to sell or supply e-cigarettes or refill containers 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.