



# You must apply for a permit in order to sell tobacco to consumers

New rules for the selling of tobacco products come into force on 1 July 2019. Retailers who wish to sell tobacco products to consumers must now apply for a permit from the municipality in order to do so. The person applying for the permit must be able to show that he or she is a suitable person to run such a business.

If you wish to sell tobacco products to consumers from 1 July 2019, you must apply for a permit to do so. If you intend to sell tobacco from several points of sale, you must apply for a permit for each point of sale.

## If you have already given notice to your municipality that you are selling tobacco

- If you gave notice to your municipality that you are selling tobacco products to consumers before 1 July 2019, you may continue to sell tobacco products provided you apply to the municipality for a permit no later than 1 November 2019. You may then continue selling tobacco products until the municipality has made a decision on your application.
- If you do not apply for a permit before or on 1 November 2019, you may not continue to sell tobacco products after that date.

## Your application must include a self-monitoring programme

When you submit your application to the municipality, you must include a self-monitoring programme. A permit cannot be issued without an appropriate self-monitoring programme. Your programme should include the procedures your business will follow to ensure that you and your staff comply with all legal requirements for the selling of tobacco products. The municipality will assess your programme as part of your application.

## New law on tobacco and similar products

From 1 July 2019, retailers who wish to sell tobacco products to consumers must apply for a permit from the municipality in order to do so. The Tobacco Act (1993:581) and the Act on Electronic Cigarettes and Refill Containers (2017:425) will be replaced from this date by a new law: the Act on Tobacco and Similar Products (2018:2088).

## What type of permit can you apply for?

You can apply for either an open-ended permit or a time-limited permit.

- Open-ended permit: This is valid until such time as you choose to revoke the permit yourself or it is revoked by the municipality.
- Time-limited permit: This is a permit that is valid for a specific time period. You can apply for this if, for example, you are planning to sell tobacco products at a festival or other event.

## Where should you submit your application?

Applications for permits must be submitted in writing. You must submit your application to the municipality where your point of sale is located. If you do not have a point of sale, for example if you only sell online, you must submit your application to the municipality where your company has its registered office. If your company does not have a registered office in Sweden, you must submit your application to the municipality where your company is permanently established.

## Is there a charge for applying for a permit?

Municipalities are entitled to charge an administration fee for assessing your permit application. Fees are set by the municipality, so they may vary from one municipality to another.

## What happens after you have submitted your application to the municipality?

The person applying for a permit to sell tobacco products to consumers must be able to show that their financial and personal situation and circumstances in general are such that he or she is a suitable person to run such a business. The municipality may also ask to see a plan showing how the purchase of the business has been financed.

When a legal entity, for example an 'aktiebolag' (a limited liability company), a 'handelsbolag' (partnership) or a 'kommanditbolag' (limited partnership), applies for a permit, the municipality may wish to investigate all those exerting significant influence in the company. People with significant influence could be shareholders exerting significant influence, finance providers, board members, executive directors and/or partners in the company. The municipality may also investigate any private individual who has lent money to a person purchasing a business.

A municipality receiving an application for a permit to run a retail operation may request an opinion from the Police. Municipalities may request information from the Swedish Tax Agency and Enforcement Authority to help them assess an applicant's financial suitability. The municipality may ask an applicant to provide information from the Swedish Tax Agency and the Swedish Enforcement Authority themselves.

## What happens after you have been granted a permit?

Once you have been granted a permit to sell tobacco products, it is important that your business complies with existing laws and regulations. The municipality or the Police may check your business at any time as part of their supervision process. Supervision may involve the municipality or the Police visiting your business. A municipality may also check a business without visiting it, for example by requesting information from the Tax Agency or the Police.

## Systems for traceability and security features

A retailer wishing to buy in tobacco products from a wholesaler must have an Identifier Code. There are two ways to obtain an Identifier Code:

- You can apply for an identifier code direct from the authorised ID issuer.
- You can arrange for a supplier, for example a wholesaler, to apply for an Identifier Code for you.

You must apply for a permit even if you have an Identifier Code, as the code is not a substitute for the permit. Each point of sale must have an identification code.

## What information may the municipality seek from other authorities?

**Police.** The municipality may want to check whether the applicant has a criminal record. If the applicant does have a criminal record, the municipality may decide not to grant a permit for the selling of tobacco products to consumers. Not all crimes are deemed to be equally serious; generally, it is crimes that may be relevant to your business – for example financial crimes and crimes relating to tobacco – that could make it difficult for you to obtain a permit.

**The Swedish Tax Agency and the Swedish Enforcement Authority.** The information municipalities may request from the Tax Agency or Enforcement Authority relates to the applicant's record of paying taxes or other charges relating to their tax account. It is important for the applicant to have made the correct contributions to the public purse, such as various taxes and duties such as employer's contributions. It may be more difficult to obtain a permit if the applicant has often been late with their tax payments and has received demands for payment, or if a debt has been passed on from the Tax Agency to the Enforcement Authority.